

At worst, someone could take members of a government board to court for failure to comply with the rules by not keeping minutes. "The fine runs about \$100," Henning said.

In addition to making it difficult for citizens, the failure to keep the minutes also affects other government officials. In September, former Dover school board and curriculum committee member Casey Brown requested a copy of the minutes for a meeting she missed.

It was during that meeting that Brown said the decision was made to add intelligent design to the curriculum.

She said she asked Michael Baksa, assistant superintendent, for the minutes.

"I was told that motions made on curriculum subject matter (at regular school board meetings) counted as minutes for curriculum committee meetings since the main board keeps minutes of their own," Brown said. "I told (Baksa), given the nature of where all of this was going, the board really should keep its own separate minutes."

Typically, a subcommittee chairperson is responsible for keeping the minutes, Brown said. In the case of Dover's curriculum committee, that person would be school board member William Buckingham.

"(Curriculum) meetings were very informal," Buckingham said on Dec. 30. "So minutes hardly seemed worth the time."

But Henning said it's always worth the time because without minutes, the public has no way to know who met, or how many times, or what was said, or if anyone from the public commented.

That could be an issue now that a group of parents has sued the district over the inclusion of intelligent design, which the parents say has religious overtones, in the curriculum.

Over the last few months, Buckingham has repeatedly said at regular board meetings that the theory has nothing to do with religion. The decision, he said, was made to provide students with alternative theories about how the universe works.

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1/2/2005

Mark curriculum committee's minutes absent - York Daily Record

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But without curriculum minutes, Henning said there is no way to know if anything different was said away from public ears.

"The fact that the district is now in the middle of a lawsuit that involves, to some extent, discussions and decisions made at committee meetings, (provides) further evidence of the need for agencies to keep and maintain accurate minutes of their public meetings," Henning said.

Meeting Monday

Dover school board member Angie Yingling has said that at Monday's board meeting, she plans to request a motion to revisit the board's decision to include intelligent design theory in its biology curriculum. The meeting is scheduled for 7 p.m. North Salem Elementary School.

It's also possible the board could accept Yingling's resignation at Monday's meeting. Yingling voted for the curriculum change, but she announced in December that she had changed her mind and said she wanted to leave the board because she couldn't get other members to agree to reconsider the decision.

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1/2/2005

Students differ on intelligent design

But both sides agree all the hoopla is 'kind of dumb'

By LAURI LEBD
Daily Record/Sunday News
Sunday, January 2, 2005

Talk to students, and many of them will tell you the furor over intelligent design is all a little silly.

After all, it's just one class period.

Actually, not even a whole class period, Corey Miller said.

He figures 40, 45 minutes.

That's about the amount of time he spent learning about evolution when he took the mandatory biology class last year at Dover Area High School.

He and a friend, Brett Elicker, remember studying natural selection, as well as, they think, the concept of "fight or flight." But they say they have little other recollection of the class. So the two sophomores think there is nothing wrong with learning alternatives to what Miller calls "the philosophy of evolution."

"It's something that's still not proven," he said, sitting at a pizza shop across from his high school.

Elicker identifies himself as a Christian and believes in the biblical account of creation, but Miller says he's not particularly religious and doesn't go to church. Despite their differences, the two 16-year-olds say the controversy is just about presenting alternative views.

Until the school board made the decision to revamp the district's science curriculum in October — requiring the inclusion of intelligent design in biology class — the two friends didn't think much about evolution.

But since then, they have been following each new development in the case closely.

Intelligent design is the concept that life is too complex to have evolved randomly through natural selection and, therefore, must have been created by an intelligent designer. In December, 11 parents filed suit against the district. The suit argues that intelligent design is

essentially about religion and has no place in science class.

Elicker doesn't think intelligent design conflicts with the First Amendment's guarantee of government's neutrality toward religion, since it encompasses all faiths, he said, "except for atheism."

And it was while reading about the debate that Miller began to think that, perhaps, evolutionists didn't have it all figured out. He would like to know where the transitional fossils are that show animals with both wing and arm, beak and mouth.

While the two friends find the subject interesting, among other students, it's become a joke.

Amanda Patterson, 17, and her best friend, Mike Helmick, 17, say Dover's now famous across the country.

Playing video games at the West Manchester Mall last week, Helmick said he never paid much attention in biology class "because it doesn't interest me."

And even though everyone else seems to be talking about it, Patterson said teachers aren't allowed to discuss the issue with students.

Still, Helmick thinks intelligent design can fit just fine into a scientific discussion of evolution.

Patterson, however, is not so sure.

"I think it might violate the separation of church and state," she said.

Both students said they believe in natural selection, but draw the line that humans evolved from other primates.

So for them, intelligent design makes sense.

"We're so complex we couldn't have been created by any scientific explanation," Patterson said.

Ninth grader Kandy Kline, 15, took the semester-long biology class this fall and is just completing it now. She said Charles Darwin's name never even came up.

Overall, she thinks the whole debate is "kind of dumb" and too much has been made of it.

"If they want to learn about creationism, they should be able to do so in an elective class," Kline said.

Her boyfriend, Brian Borrer, 14, who is also in the ninth grade, will take the class starting this month. While he realizes he is at the center of the fray, he looks forward to learning about both evolution and intelligent design.

Reach Lauri Lebo at 771-2092 or llebo@ydr.com.

Grads speak

While some Dover Area High School students think too much has been made of whether intelligent design will be taught in biology class, some college students disagree.

Last month, a group of Dover graduates, home for the holidays, attended a school board meeting to speak out against the curriculum revision.

Some say it's embarrassing to pick up a newspaper and read about the issue occurring in their hometown.

Penn State University sophomore Eric White said a friend e-mailed him a Philadelphia Inquirer story about Dover with a note that said, "I think this is where you went to school."

The article was about how Dover is believed to be the first school district in the country to require the teaching of intelligent design.

"It kind of makes you proud," White said sarcastically.

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Dover board quiet on ID

School officials reached no compromise Monday on district science policy.

By JOSEPH MALDONADO
For the Daily Record Sunday News
Tuesday, January 4, 2005

Early Monday afternoon, Angie Yingling seemed optimistic that her fellow members of the Dover Area School Board might come to some kind of arrangement that would end the intelligent design lawsuit against both them and the district.

But at the school board meeting later Monday night, neither the board nor administration gave any indication that that would be the case.

"Before the meeting tonight, I think the board may decide to remove the books ("Of Pandas and People") from the classroom and place them in the library in a section set aside for evolutionary studies," Yingling said while walking in downtown York.

Yingling, who said she did not attend the meeting because of illness, also said she thought the board might compromise and change its mind about the wording that allowed intelligent design into the district's ninth-grade biology curriculum.

The school board met in an executive session for a little more than an hour before the regularly scheduled planning meeting. But little was said to the public about what took place, except that the board discussed personnel and legal issues.

Immediately after the planning meeting, Sheila Harkins, board president, responded to Yingling's comment by saying, "I have no idea where she's coming from."

Yingling could not be reached for comment after the meeting Monday night.

In October, the board voted to include the concept of intelligent design in the district's ninth-grade biology curriculum.

In December, 11 parents filed a federal lawsuit against the school district, arguing the curriculum change violates the

First Amendment by requiring "teachers to present to their students in biology class information that is inherently religious, not scientific, in nature."

All of the board members, with the exception of Yingling, attended the executive session, though new board members Eric Riddle and Sherrie Leber showed up late and did not participate long.

The district's interim financial planner, Ed Hermance, and another associate also attended the meeting, though their role was not made public. Before the executive session, Hermance said that, to his knowledge, the lawsuit has not cost the district anything financially, yet.

Two representatives of the district's legal team from the Thomas More Law Center in Ann Arbor, Mich., also attended the meeting for about 10 minutes. Neither stayed for the planning meeting and neither would identify themselves before leaving.

Earlier in the day, several members of the board gave depositions in Harrisburg in response to the lawsuit including Harkins, Alan Bonsell and William Buckingham. Beth Eveland, who is one of the 11 parents suing the district, was at the depositions.

"From the tone of the depositions, it looks like there is no room for change or compromise," she said. "This thing looks like it's still full steam ahead."

Board members, however, declined to discuss the case.

"I have nothing to say on the advice of my legal counsel," Buckingham said.

Those words represented the theme for the evening from the board and administration.

During the public comments section resident Gina Myers went to the podium to ask about what she had been reading on the intelligent design issue, but was cut off by Harkins.

"Comments are limited only to agenda items," Harkins said.

Myers, who had wanted to speak out in defense of the school board's decision, shyly apologized and returned to

her seat. Behind her, fellow resident Sharon Wetzel said to people nearby Myers that she should have been allowed to speak.

"There is always a miscellaneous section on the agenda," she said. "Why couldn't she speak under that?"

Staff writer Lauri Lebo contributed to this report.

THE CONTROVERSY

Background: Despite protests by science teachers, who said they were kept from participating in the decision, and some school board members, the Dover Area School Board revamped its science curriculum with a 6-3 vote on Oct. 18.

The curriculum is believed to be the first in the country requiring the teaching of intelligent design — the idea that life is too complex to have evolved randomly through natural selection and, therefore, might have been designed by a creator — in high-school biology class.

The curriculum states: "Students will be made aware of gaps/problems in Darwin's Theory and of other theories of evolution including, but not limited to Intelligent Design. The Origins of Life is not taught."

Where the issue is now: Despite a news release issued by the district on the subject, many questions remain about exactly what will be taught in class regarding intelligent design. And teachers themselves say they're still not sure what to do if students ask questions about the subject.

What's next: Students are expected to reach the chapter on evolution as early as Jan. 13. Lawyers for the 11 parents suing the district over the curriculum change have until Wednesday to file for a temporary restraining order to prevent the new curriculum from being taught.

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NO PANDA PINS PROTEST POLICY

While no word was spoken publicly on the subject at Monday night's Dover Area School Board meeting, some members of the public voiced their opinion against the district's recent intelligent design controversy by wearing

pins.

The pins of a panda bear with a line through its face are in protest of the school board decision to specifically include the concept of intelligent design in its science curriculum.

Fifty copies of the pro-intelligent design book "Of Pandas and People" were donated to the school district by persons whose names the district will not release.

The books are to be used for reference for students who want to learn more about intelligent design.

Several of the parents who have filed a federal lawsuit against the district, along with a handful of others at the meeting, wore the pins.

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Copyright 2005
The York Dispatch (York, PA)

January 4, 2005 Tuesday

SECTION: LOCAL NEWS

LENGTH: 716 words

HEADLINE: Dover board mum on intelligent design

BYLINE: HEIDI BERNHARD-BUBB *For The York Dispatch*

BODY:

<http://media.mnginteractive.com>

Dover Area School Board members last night refused to address the pending federal lawsuit over intelligent design, strictly enforcing their stringent rules restricting public comment at monthly meetings to agenda items only.

Meanwhile, the plaintiffs in that lawsuit, including 11 parents, have until tomorrow to seek a temporary restraining order barring the district from referencing the intelligent design concept in biology classes. Those classes begin next week.

The suit was filed last month on behalf of the parents by the American Civil Liberties Union, Americans United for Separation of Church and State and attorneys from the Harrisburg-based Pepper Hamilton law firm.

Angie Zeigler-Yingling, who last month said she would resign because of the refusal to revisit the intelligent design issue, did not attend last night's meeting due to illness. She remains a board member and had been expected to ask the board to alter the curriculum and to make her resignation official.

Superintendent Richard Nilsen said the board has not been asked to officially accept her resignation. Zeigler-Yingling could not be reached for comment, but is expected to attend the board's next meeting at 7 p.m. Monday at North Salem Elementary School.

Zeigler-Yingling voted in favor of the curriculum in October, but later changed her mind, saying she felt coerced by fellow board members.

Former board members Jeff and Casey Brown --who opposed the board's decision -- resigned earlier this year, saying they feared a lawsuit.

The legal action is believed to be the first in the country to challenge the teaching of intelligent design theory, which attributes the origin of life to an intelligent being. It counters the theory of evolution, which says that people evolved from less complex beings.

The district contends that it will not be teaching intelligent design and that teachers will only read a statement raising questions about the theory of evolution, mentioning intelligent design and referring students to a book, "Of Pandas and People," in the library.

Four depositions: Yesterday, the plaintiffs' attorneys deposed board president Sheila Harkins, former board president Alan Bonnell, former curriculum committee chair William Buckingham, and superintendent Nilsen to determine if the restraining order is necessary.

One plaintiff, Beth Eveland said no decision had yet been made regarding the restraining order.

The York Dispatch (York, PA) January 4, 2005 Tuesday

In the meantime, Nilsen said the district plans to move forward with its biology curriculum as currently written.

Dover biology teacher Jen Miller said that she is still not sure how to handle student questions that may arise when she reads the statement on **intelligent design** to her students next week. Miller said she has been told to direct students back to the statement if they raise questions about religion or the origin of life.

She also said a discussion has been scheduled tomorrow between the district's top administrators and science department.

The science department released a statement last month that said it was "by no means giving their consent or agreement to the development of" the district statement on **intelligent design**.

Comment disallowed: An effort to raise the subject before the school board last night was rejected, however.

Gina Myers was told that she could not comment on **intelligent design** because public comment is now limited to agenda items only.

New board president Sheila Harkins changed the rules last month, saying she wanted to keep meetings running smoothly and avoid contention.

More than 50 residents on both sides of the issue came to the meeting. Myers said she wanted to tell the board she supported their decision.

"It's good for the students' learning process to make them aware of other scientific theories and to make another textbook available," Myers said.

With public comment limited, others made their opinions known without words. Andy Langione, a Dover High School graduate and freshman at Penn State University, wore a button he made with a slash through a panda.

"It's an anti-'Of Pandas and People' button," said Langione, "Sometimes buttons speak louder than words."

-- Reach Heidi Bernhard-Bubb at 854-1575 or news@yorkdispatch.com.

GRAPHIC: Zeigler-Yingling ... said she would resign but remains a board member because she didn't attend last night's meeting.

LOAD-DATE: March 26, 2005

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Copyright 2005
The York Dispatch (York, PA)

January 6, 2005 Thursday

SECTION: LOCAL NEWS

LENGTH: 457 words

HEADLINE: Memory woes halt 'design' lesson curb

BYLINE: HEIDI BERNHARD-BURB *For The York Dispatch*

BODY:

Dover school district's controversial biology curriculum, which makes reference to "intelligent design" theory, will take effect next week as planned.

Lawyers representing 11 parents who sued the district in federal court over the presence of intelligent design in its curriculum, have decided not to seek a temporary restraining order to block the lessons.

Attorney Eric Rothschild of the Philadelphia-based law firm Pepper Hamilton said the decision not to seek the restraining order came because of what was said in depositions this week by school officials, who were questioned about the origin of the curriculum change and statements by board members that were religious in nature.

Rothschild said that during those depositions Monday, district officials said they either had no memory of statements that were reported in The York Dispatch and York Daily Record during June 2004, or flatly denied that they were made.

Those who disputed the statements were: board president Sheila Harkins, former board president Alan Bonsell, former curriculum committee chair William Buckingham and superintendent Richard Nilsen.

More research: Rothschild said that because the evidence is in dispute, the attorneys will have to conduct more research to confirm the reports, which could not be done before the new curriculum starts Monday in Dover biology classes.

"These reports are not the substance of our case, but they did go toward the school board's motive in changing the curriculum," Rothschild said.

The parents' legal action is believed the first in the country to challenge the teaching of intelligent design theory, which attributes the origin of life to an intelligent being. It counters the theory of evolution, which says that people evolved from less complex beings. The statements included references to creationism, the biblical account of the origin of life, and several statements made by board member William Buckingham.

For example, as reported on June 15, 2004, by The York Dispatch and by the York Daily Record, Buckingham said "Nearly 2,000 years ago someone died on a cross for us; shouldn't we have the courage to stand up for him?" at a June 14 school board meeting.

Buckingham's denial: Buckingham said he never made that statement in reference to the evolution debate, but in reference to a resolution the board passed to support the "under God" phrase in the Pledge of Allegiance in November 2003. His testimony was supported by that of Sheila Harkins.

However, the school officials also said that they had never asked the local papers to retract or correct any reports made.

The York Dispatch (York, PA) January 6, 2005 Thursday

Although audio recordings of the board's public meetings are made, the district destroys the tapes once

LOAD-DATE: March 26, 2005



Dow Jones & Reuters

Local/State

Teachers may give evolution alternative ; Dover parents group won't seek restraint

PETE SHELLEM

Of The Patriot-News

625 words

6 January 2005

Patriot-News

FINAL

B01

English

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Biology teachers in the Dover Area School District may begin reading a four-paragraph statement offering an alternative to the theory of evolution, since attorneys for parents who objected to the policy decided not to seek a restraining order by yesterday's deadline.

Witold J. Walczak, legal director of the Pennsylvania chapter of the American Civil Liberties Union, which is representing parents opposed to the policy, said yesterday the group decided not to ask U.S. District Judge John E. Jones III for a restraining order.

Walczak said the group did not want to ask the judge to make a decision without a complete record, especially in light of denials by school board members that they initially sought to teach creationism.

A full trial will probably not be held until this spring, he said.

Walczak said three board members denied in depositions Monday making statements at board meetings regarding Christ, religion and creationism that were reported in local papers as controversy surrounding the policy mounted.

"This whole history of them indicating a desire to teach creationism is legally damaging to their argument," Walczak said. "They seem to be trying to whitewash that history."

The district's attorney, Ronald Turo, said he wasn't present at the meetings or the depositions, but added it wouldn't make any difference to the case.

He said individual board member's opinions are not the policy of the district, which boils down to a four-paragraph statement being read before evolution is taught to ninth-grade biology students.

The statement says evolution isn't a fact and **intelligent design** is an alternative theory students could consider. It directs them to a book called "Of Pandas and People" that describes the theory of **intelligent design**, which says the universe is so complex that it must have been created by a supernatural intelligence.

"Is this teaching? Everybody's losing perspective," Turo said. "The school district hasn't ordered them to teach anything. They are requiring teachers to read a statement."

"When a school district is precluded from making a statement of fact to its students, what do we have left?" Turo said. "That's pretty scary."

The ACLU claims that Dover's policy is an introduction of religion into the classroom that infringes on constitutional provision of separation of church and state.

The school board voted 6-3 on Oct. 18 to include **intelligent design** in the ninth-grade science curriculum, in what is believed to be the first such requirement in the country.

Walczak said the board members' intent plays a role in determining whether there is such an infringement.

Walczak said he was confident the plaintiffs could show the board members endorsed creationism, despite the fact that tapes of the meetings were destroyed. More than 100 people attended the hearings.

Board member William Buckingham was reported to have said "this country was not founded on Muslim beliefs or evolution, this

country was founded on Christianity and our students should be taught as such."

He also reportedly said "2000 years ago, someone died on a cross. Can't we take a stand for him?"

Two other board members and Superintendent Richard Nilsen denied in depositions that those comments were made, Walczak said. One board member said the newspaper quotes were "fabrications," he added.

Turo said he was glad the issue wouldn't be decided on the limited facts that could be presented in a hearing on the temporary restraining order.

"We said from the beginning, let's give this case the time and thought and research it demands," he said. PETE SHELLEM: 255-8156 or pshellem@patriot-news.com

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WWW.YORKDISPATCH.COM

Dover board challenges bio lawsuit

Wants 2 parents' claims removed from the case

BY HENRIETTA DUBB
For The York Dispatch

Attorneys defending the Dover Area School District want to disqualify five of the 11 plaintiffs and two of the claims in the lawsuit against the district over the inclusion of intelligent design in the district's biology curriculum.



The motion, filed in federal court in Harrisburg, on Wednesday, says the five plaintiffs lack standing because their children will not be in the district's ninth grade biology curriculum.

In addition, the motion states that the plaintiffs' claims are not ripe for review and that the court should dismiss them.

THE MOTION

■ The former Dover board members say students were kept in the dark.

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YOUR GU

York Dispatch
Harrisburg, Pa.
Friday, September 30, 2005
Price: \$0.50

MOTION

Challenge to lawsuit

Continued from Page A1

public money should be dismissed because they lack facts to support the claims.

The lawsuit, filed last month by attorneys from the American Civil Liberties Union, Americans United for Separation of Church and State, and Pepper Hamilton on behalf of 11 Dover parents, said reading a statement about the gaps in the theory of evolution and referring to an alternative theory that attributes the origins of life to an "intelligent agent" violates their children's civil rights.

The children's ages: The motion asks that plaintiffs Beth Eveland and Cynthia Sneath be dismissed because their children are too young; both have children in first grade and pre-school age children.

Richard Thompson, chief counsel of the Thomas More Law Center, which is defending the district, said no one knows if the policy or the children will still be in the district by the time they reach the ninth grade.

The motion also asks that plaintiffs Frederick and Barrie Callahan and Julie Smith be dismissed because their children are in 10th grade and will not be taught the controversial curriculum.

Lawyers argue there is no evidence of a "coercive religious practice" because students can opt out of hearing the statement; it also said there was no evidence that defending the district would cost it money.

The school district is being represented by Thomas More free of charge, although it could have to pay plaintiffs' attorney fees if it loses the case.

New release, poll: Thompson said the motion seeks to focus the case on those who have a legitimate personal interest in the case, such as Tammy Kitzmiller, who currently has a child in the

ninth grade, or several others who have children in eighth grade.

A news release put out by the law center accused the ACLU of piling on plaintiffs "to give the impression that more people support their position than actually do."

It referred to a recent poll of 426 registered Dover voters conducted by the Harrisburg-based Susquehanna Polling and Research firm, which showed that 54 percent support the board's decision, while 36 percent do not and 10 percent are undecided or don't care.

ACLU attorney Witold Walczak said the plaintiffs will certainly oppose the motion, which he called "a complete waste of time" and a public relations move to try to influence public opinion.

Numbers irrelevant? "You only need one person to challenge the curriculum ... It's irrelevant to the outcome of the case and the focus should be on the Constitutional issues involved," Walczak said.

He also said the plaintiffs don't yet need to present evidence of a "coercive religious practice" or improper use of public monies.

Furthermore, Walczak said, the controversial statement is part of the district's school-wide curriculum and that when the school board violates the Constitution it sends a message that affects the entire student body.

Plaintiff Barrie Callahan, whose standing is being challenged, said that "when you change the definition of science it affects everyone" in the district.

She said that she believes the curriculum could hurt how college admission boards view a diploma from Dover High School, which would affect her child. And she also is worried the curriculum change could be just the beginning of a move to censor or alter other parts of the curriculum.

The plaintiffs have until Feb. 16 to answer the motion.

— Rachel Heidi Bernhard-Bubb at 854-1375 or news@yorkdispatch.com.

In brief

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January 7, 2005 Friday

SECTION: TOP STORIES

LENGTH: 305 words

HEADLINE: Dover profs want to opt out

BYLINE: HEIDI BERNHARD-BUBB *For The York Dispatch*

BODY:

The Dover High School science department wants to opt out of the district's controversial biology curriculum, which makes reference to **intelligent design** theory.

The staff has written a letter to the administration asking that teachers be allowed to opt out of the new curriculum taking effect next week, which includes reading a statement that raises questions about the theory of evolution, mentioning **intelligent design** and referring students to a book, "Of Paudas and People," in the library.

The science department is suggesting that the administration read the statement to the students in their place.

Superintendent Richard Nilsen said earlier this week that a letter was being sent to district parents to tell them that as with any controversial subject matter being taught in the schools, parents could pull their children out of the lesson.

Nilsen and Dover Area Education Association president Bill Miller, who is serving as a spokesperson for the science department, could not be reached for comment this morning. The **intelligent design** curriculum is the subject of a lawsuit, believed to be the first in the nation.

The suit was filed by parents who say the school board violated their children's religious freedom by including the theory of **intelligent design** in biology classes.

The parents are represented by attorneys from the Pennsylvania American Civil Liberties Union, Americans United for Separation of Church and State and Pepper Hamilton.

The district is being represented, free of charge, by the Thomas More Law Center, a Michigan-based public interest law firm that bills itself as a defender of Christian rights. **Intelligent design** theory attributes the origin of life to an intelligent being. It counters the theory of evolution, which says that people evolved from less complex beings.

LOAD-DATE: March 26, 2005

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Copyright 2005
The York Dispatch (York, PA)

January 10, 2005 Monday

SECTION: LOCAL NEWS

LENGTH: 307 words

HEADLINE: Dover parents form PTO

BYLINE: HEIDI BERNHARD-BUBB *For The York Dispatch*

BODY:

Peg Funkhouser says the recent **intelligent design** controversy that seems to have taken over Dover is not the reason that she and other parents decided to form a parent-teacher organization at the high school.

"Of course that is bringing a lot of people out and its something to be concerned about, but my sole purpose is to get parents more involved in their children's education and support our teachers," Funkhouser said.

It's a move that is being celebrated by the district's top administrators.

At several recent meetings, superintendent Richard Nilsen has said that the district is about more than the **intelligent design** debate.

"Dover is about great students, great teachers, and great parents," Nilsen said. "There is nothing more important than getting involved with your child's education."

Funkhouser, who is spearheading the effort, is a library secretary for the district at both Dover and Weigelstown elementaries. She has a child in 11th grade at the high school and another child who graduated in 2004.

The district has PTOs at all of the elementary schools and at Dover Intermediate School, but a PTO has never been successful at the high school.

Funkhouser said one was attempted three or four years ago, but never caught on. But, as a longtime "PTO mom," Funkhouser said she believes a high school PTO could succeed and do a lot of good.

Her biggest goal for this year is to get the organization solidified and then build upon that foundation in coming years.

Funkhouser said she hopes to get at least 25 to 30 parents to join, although she would gladly take more.

"It's going to be an ongoing process, but hopefully we can get the word out and lots of parents will participate to make their child's education better," she said.

-- Reach Heidi Bernhard-Bubb at 854-1575 or news@yorkdispatch.com.

LOAD-DATE: March 26, 2005

District's lawyers see 'good sign'

But lawyers for the parents said they can still prove their case.

By TERESA ANN BOECKEL
Daily Record/Sunday News
Friday, January 7, 2005

A lawyer for the Dover Area School District said it's "a good sign" that attorneys representing 11 parents decided Wednesday not to seek an injunction that would stop the district from presenting the concept of intelligent design in its ninth-grade biology class.

"After several day of depositions it became clear that they simply did not have a strong enough case to ask that the policy be blocked," said Richard Thompson, president and chief counsel for the Thomas More Law Center, which is representing the school district.

"Clearly, if they thought they could have succeeded, they would have asked the court to stop the policy before it was implemented."

But Eric Rothschild, an attorney with the Philadelphia-based Pepper Hamilton law firm that is representing the parents who filed the lawsuit, said, "We feel we have a very strong case."

The plaintiffs' lawyers did not ask a federal judge to block the implementation of the policy because school board members Alan Bonsell, Bill Buckingham and Sheila Harkins and district Supt. Richard Nilsen denied or didn't recall earlier statements about why the board wanted to include intelligent design, Rothschild said.

Lawyers interviewed the four this week, saying they wanted to find out what led to the policy in order to determine if they had enough evidence to ask for an injunction.

The statements now in dispute included one by board member Bill Buckingham that this country was founded on Christianity and that students should be taught as such.

The plaintiffs had planned to present those statements to a judge as their argument to stop the policy, Rothschild said. While they believe they have the evidence to

convince a judge of their position, Rothschild said, it is in dispute, and it wasn't possible to present a whole record in time to request an injunction.

So they will work on finding witnesses, taking more depositions and calling experts in preparation for a spring hearing. Rothschild said he believes they will find that the statements, reported in two separate newspapers, were accurate.

Lawyers request definitions

In the depositions, the plaintiffs' lawyers — Rothschild and Stephen G. Harvey — pressed for definitions of evolution, creationism and intelligent design and asked questions about what will be taught in class as early as Jan. 13.

When Bonsell, who is the past school board president, was asked the meaning of "intelligent design," he said it is a scientific theory. Buckingham agreed with that.

"I have done some reading on it," Bonsell said. "And I have seen that it is a scientific theory that differs from Darwin's Theory . . . Darwin is everything basically happened by chance. Where Intelligent Design says that it didn't happen that way."

Rothschild asked: "How did it happen if it didn't happen by chance?"

"I can't answer that," Bonsell responded.

Harkins, who is the current school board president, said she does not know if there is a general definition of intelligent design, and said she's "still exploring" what it means. Harvey pressed her for a definition.

"That every living cell possibly is designed down to the tiniest organism and if it is designed how it may have been designed, if there was possibly a designer or something," Harkins said.

She said she does not perceive it as "religion."

ID discussed over time

Harkins said the idea to include intelligent design in the curriculum has been discussed over several years, and has

been mentioned by Bonsell, Buckingham and former school board member Noel Wenrich. She and Buckingham were both on the board's curriculum committee.

During those discussions, she said, there were differing views about it. She said Casey Brown, a former board member, viewed it as "religious" and that Bonsell viewed it as "totally scientific."

Harvey asked Harkins how she knew that intelligent design is scientific and not religious in nature. Harkins said she has read that several scientists who appeared to be "reputable" support the theory.

Buckingham said that the theory of evolution is not offensive to his personal religious beliefs. Harkins said the theory does not conflict with her religious views.

When the theory of intelligent design is introduced later this month, teachers will only read a prepared statement, Nilsen said. If students ask about creationism or intelligent design, they will be told to do that research on their own or ask their parents, Nilsen said.

The statement includes a reference to the book, "Of Pandas and People," that will be available to students who are interested in finding out more about intelligent design. The book, Nilsen said, will be housed in the school library.

When asked during the deposition why he was forbidding open and critical discussion about intelligent design but not any other theory of evolution, Nilsen said it was because of time constraints and legal reasons.

"(The teachers) believe they are liable if they open that discussion," he said.

Nilsen also said he thinks it is a topic that should be discussed with parents — not the school district.

Reach Teresa Ann Boeckel at 771-2031 or teresa@ydr.com.

Dover teachers get 'relief'

Administrators, not science instructors, will read an intelligent design statement to high school students.

By JOSEPH MALDONADO
For the Daily Record/Sunday News
Saturday, January 8, 2005

Dover Area High School science teachers won't have to read a statement informing ninth-grade biology students that there are problems with Darwin's theory of evolution, and that intelligent design is a theory with a differing view of the origin of life.

"And there is a great sense of relief, though there is still no great sense of trust in the district," said Bill Miller, a Dover Area Education Association spokesman.

On Thursday, teachers in the high school's science department sent a letter to the administration requesting they be allowed to "opt out" of reading a four-paragraph statement about intelligent design to students. On Friday, the district, through its attorneys at the Thomas More Law Center in Michigan, released a statement that said administration officials will read the "one minute" passage including intelligent design.

The Thomas More lawyers said Supt. Richard Nilsen announced that the district believes that no Dover faculty has the right to "opt out of any policy or curriculum developed legally and publicly by the Dover Area School District Board of Directors." But, Nilsen said, the teachers' request was granted because of a lawsuit over the inclusion of intelligent design in the science curriculum.

In December, 11 parents sued the school, saying intelligent design is not science but is an attempt by the district and its board to introduce religion into the classroom. That violates the Constitutional separation of church and state, they say.

The district has said the statement's only purpose is to make students aware that there are other theories, including intelligent design, that differ with Darwin's theory. In depositions connected to the lawsuit, board member Sheila Harkins said she does not perceive intelligent design as religious, and board member Alan Bonsell said he believes it is a scientific theory.

Sandy Bowser, Dover teachers union president, said she believes that Pennsylvania's Code of Professional Practice and Conduct for Educators gives them the right to opt out of the curriculum. She said the code forbids teachers from knowingly providing information they believe to be false.

"Intelligent design is not science," Bowser said. "It is a belief system."

Richard Thompson, the district's chief counsel from Thomas More center, called the teachers' request to opt out a "tempest in a teapot."

"It is ironic that this policy was enacted with the input of the very teachers who are now attempting to sabotage it," he said.

Bowser disagreed with Thompson regarding the teachers' input.

"We gave no input at all into the statement or the curriculum change as it is presently written," she said. "We have tried to compromise, but at this point the state standards of education and the Constitution must be upheld."

Neither Thompson nor Dover Assistant Supt. Michael Baksa could be reached for comment.

"I'm glad the district made the decision that it did," Bowser said. "Things are as they should be, for now."

Intelligent design statement

The following is the statement to be read to Dover Area High School students:

"The Pennsylvania Academic Standards require students to learn about Darwin's Theory of Evolution and eventually to take a standardized test of which evolution is a part.

"Because Darwin's Theory is a theory, it continues to be tested as new evidence is discovered. The Theory is not a fact. Gaps in the Theory exist for which there is no evidence. A theory is defined as a well-tested explanation that unifies a broad range of observations.

"Intelligent Design is an explanation of the origin of life

that differs from Darwin's view. The reference book, *Of Pandas and People*, is available for students who might be interested in gaining an understanding of what Intelligent Design actually involves.

"With respect to any theory, students are encouraged to keep an open mind. The school leaves the discussion of the Origins of Life to individual students and their families. As a Standards-driven district, class instruction focuses upon preparing students to achieve proficiency on Standards-based assessments."

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An Open Letter to the Dover Area School Board:

As scientists, scholars, and teachers, we are compelled to point out that the quality of science education in your schools has been seriously compromised by the decision to mandate the teaching of "intelligent design" along with evolution. Science education should be based on ideas that are well supported by evidence. Intelligent design does not meet this criterion: It is a form of creationism propped up by a biased and selective view of the evidence.

In contrast, evolution is based on and supported by an immense and diverse array of evidence and is continually being tested and reaffirmed by new discoveries from many scientific fields. The evidence for evolution is so strong that important new areas of biological research are confidently and successfully based on the reality of evolution. For example, evolution is fundamental to genomics and bioinformatics, new fields which hold the promise of great medical discoveries.

According to the York Daily Record (November 23, 2004), you issued a statement claiming that "Darwin's Theory is a theory, it is still being tested as new evidence is discovered. The theory is not a fact. Gaps in the theory exist for which there is no evidence." This is extraordinarily misleading. While one can refer to the general body of modern evolutionary knowledge as "theory," the same is true of all other scientific knowledge, such as the theory of relativity or the theory of continental drift. It is one of the hallmarks of scientific inquiry that all such ideas are open to testing and reinterpretation. That theories are open to testing, however, does not mean that they are wrong. Evolution has been subject to well over a

Dover's lawyer responds to Penn letter

Professors don't understand intelligent design issue, lawyer says

By JOSEPH MALDONADO
For the Daily Record-Sunday News
Sunday, January 9, 2005

It didn't take long for the Dover school district's lawyer to respond to an open letter from 32 professors from the University of Pennsylvania criticizing the district for including intelligent design theory in its science curriculum.

Penn professors from the biology and philosophy departments on Friday asked the administration and board of the Dover Area School District to "alter the misguided policy of teaching intelligent design creationism . . ."

Richard Thompson of the Thomas More Law Center wrote a letter, released Saturday, telling the professors that Dover will not be teaching intelligent design and that if their lack of study on the issue represents how they go about making scientific conclusions, their students should "get their tuition money back . . ."

In October, the board voted to make students aware of problems with Darwin's theory of evolution and alternative theories, specifically intelligent design, as part of their ninth-grade biology curriculum. Intelligent design suggests that life is too complex to have evolved on its own, and that a designer played a role in the creation of life.

Thompson is the district's lead attorney in a case brought against the district in December 11 parents who say the curriculum change violates the rights and the Constitutional separation of church and state. But, Thompson wrote, "No teacher will teach 'intelligent design,' creationism, or present his or her, or the board's religious beliefs."

In addition to accusing Penn faculty of not understanding the issue, Thompson questioned why a professor from the philosophy department, Michael Weisberg, helped author the letter.

"What does philosophy have to do with this issue?"

Thompson asked.

On Saturday Weisberg asked that a copy of the letter be sent to him by e-mail. In his reply, he did not comment on the letter, but offered a Web site, <http://www.aaas.org/news/releases/2002/1106id2.shtml>. It contains a statement approved more than two years ago by the American Association for the Advancement of Science's board of directors. The board said intelligent design proponents haven't tested the theory or provided evidence to support it, and that it is "improper" to include the theory as part of science education.

Thompson, in his letter to the Penn professors, said Dover was asking the students to consider that any evidence is susceptible to two sets of interpretations.

"This policy promotes critical thinking, which is not only important for the science profession, but for education in general," Thompson wrote.

Center's letter

Letter from Thomas More Law Center to University of Pennsylvania biology professor Paul Sniegowski and philosophy professor Michael Weisberg:

If the level of inquiry supporting your letter is an example of the type of inquiry you make before arriving at scientific conclusions, I suggest that at the very least, your students should get their tuition money back, and more appropriately, the University should fire you as a scientist. It is clear that you do not have the slightest idea of the actual Dover school policy that you so vehemently condemn, and so let me educate you.

You write that the Dover school Board made a decision to "mandate the teaching of 'intelligent design' along with evolution." That statement is untrue; in fact the opposite is the case. The school board policy specifically states: "No teacher will teach Intelligent Design, Creationism, or present his or her, or the Board's, religious beliefs."

Moreover, the school board adopted and purchased the biology textbooks for its students that were recommended by the school science teachers and the administration.

Regarding your dispute with the definition of the theory, you fail to include the actual definition used in the policy,

"A theory is defined as a well-tested explanation that unifies a broad range of observations." That definition was recommended by the science teachers and adopted by the school board.

Finally, you are under the impression that Dover students will not be taught evolution. Let me disabuse you of that concern. The policy specifically acknowledges that the students must learn about Darwin's Theory of Evolution and take a standardized test in which evolution is a part. Accordingly, the only theory taught in class is Darwin's theory of evolution, and the only textbook used in class is the standard text positing this theory.

I notice that your open letter was signed by a member of the Department of Philosophy. What does philosophy have to do with this issue? This issue is not about science versus philosophy; it is about two different interpretations of the same scientific data by scientists. I assume you would agree that the metaphysical implication of Darwin's theory of evolution has no place in the science classroom. Or perhaps it is for this very reason that you so staunchly and dogmatically defend Darwin and place his theory above all criticism.

In conclusion, the Dover policy merely makes students aware of a growing controversy in the scientific community over the extent to which the theory of evolution can explain complex biological systems. This policy promotes critical thinking, which is important not only for the science profession, but for education in general. Moreover, this policy is in keeping with the Congressional intent behind the No Child Left Behind Act of 2001 and complements an honest science education.

Sincerely,

Thomas More Law Center

Richard Thompson

President and Chief Counsel

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Copyright 2005
The York Dispatch (York, PA)

January 10, 2005 Monday

SECTION: LOCAL NEWS

LENGTH: 563 words

HEADLINE: Science teachers won't have to read statement

BYLINE: HEIDI BERNHARD-BUBB *For The York Dispatch*

BODY:

The Dover High School science department will be allowed to opt out of reading a statement to ninth-grade biology classes this week that questions the theory of evolution and refers to **intelligent design** theory.

However, the students will still hear the statement.

The district announced Friday through its attorneys at the Thomas More Law Center in Michigan that the administration would read the **intelligent design** statement in place of teachers, pending the resolution of the lawsuit against the district over the biology curriculum.

Seven science teachers sent a letter to the administration Thursday saying they believe the mandate to read the statement violates the Pennsylvania's Code of Professional Practice and Conduct for Educators, said Sandi Bowser, president of the Dover Area Education Association.

Bowser said the code states that teachers cannot knowingly misrepresent subject matter or curriculum.

"**Intelligent design** is not science, it is not biology, it is not an accepted scientific theory," said Bowser.

According to a statement released by Thomas More, superintendent Richard Nilsen said that "While the Dover Area School District believes that the DASD faculty has no right to 'opt-out' of any policy or curriculum developed legally and publicly by the Dover Area School District Board of Directors," the administration will read the statement until the lawsuit is resolved.

Richard Thompson, chief counsel of Thomas More, called the teachers' request a "proverbial tempest in a teapot" and said teachers were "now attempting to sabotage" a policy created with their input.

However, the teachers' union said last month that the teachers had only edited the **intelligent design** statement and had not been involved with writing it or forming it.

"We need to keep religion and philosophy in religion or philosophy classes and out of science class," said Bowser, who called **intelligent design** a belief system.

Nilsen said he could not comment on the issue because of a lawsuit filed last month on behalf of 11 parents by the Pennsylvania American Civil Liberties Union, Americans United for Separation of Church and State and Pepper Hamilton Law firm.

The parents claim the school board violated their children's religious freedom.

The district, represented by Thomas More free of charge, has said the curriculum attempts to give students a better education by making them "aware" that there are "gaps/problems" with evolution, and that other theories exist.

The York Dispatch (York, PA) January 10, 2005 Monday

The **intelligent design** theory attributes the origin of life to an intelligent being. It counters the theory of evolution which says that people evolved from less complex beings.

The policy, which set off a firestorm of controversy in the district that has garnered national attention, prompted two board members to quit in protest.

Last month, a third board member, Angie Zeigler-Yingling, said she would resign because of the board's refusal to revisit the issue.

Zeigler-Yingling did not attend last week's meeting due to illness and remains a board member. She had been expected to ask the board to alter the curriculum and to make her resignation official last week.

The board meets again tonight at 7 p.m. at North Salem Elementary.

Zeigler-Yingling could not be reached for comment on whether she will attend the meeting and whether she intends to resign.

LOAD-DATE: March 26, 2005

The York Dispatch (York, PA) January 11, 2005 Tuesday

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The York Dispatch (York, PA)

January 11, 2005 Tuesday

SECTION: TOP STORIES

LENGTH: 582 words

HEADLINE: Anti-board ticket eyed in Dover

BYLINE: HEIDI BERNHARD-BUBB *For The York Dispatch*

BODY:

<http://media.mnginteractive.com>

<http://media.mnginteractive.com>

<http://media.mnginteractive.com>

Angie Zeigler-Yingling said she had hoped to convince her fellow Dover school board members to revisit the district's controversial biology curriculum and find a compromise that would end the lawsuit against the district.

But now she says the fate of the curriculum will be decided by voters in the upcoming elections, when seven school board members are on the May 17 primary ballot.

"It's all about the primary now, whoever wins in the primary will win in November. If I can get a group together to run against the board with at least five votes, we can immediately overturn the curriculum," said Zeigler-Yingling, who returned home last night.

Zeigler-Yingling's term is one of four that expires at the end of the year; three two-year terms are also up for election.

Last month, Zeigler-Yingling said she would resign before her term ended, because of the board's refusal to discuss the intelligent design issue.

She was expected to make her resignation official at the Jan. 3 board meeting or at last night's meeting, but she didn't.

Now she said she'll offer an official letter of resignation next month.

Zeigler-Yingling said she delayed the letter because she was hoping to get the board to revisit the issue. She had requested time on last night's agenda to make a motion to that effect, but was told that she couldn't because of the pending litigation against the district.

After a brief action meeting, the board adjourned to executive session for more than an hour, saying they would discuss personnel and legal matters.

The board returned to hire a staffer, and then adjourned with no discussion of the biology curriculum or Zeigler-Yingling's status.

Would not discuss session: After the meeting, a visibly upset Zeigler-Yingling said the issues were discussed during the executive session, but said she could not discuss them further.

The York Dispatch (York, PA) January 11, 2005 Tuesday

Zeigler-Yingling voted in favor of the curriculum in October, but later changed her mind, saying she felt coerced by fellow board members.

Now, Zeigler-Yingling said she may join former board members Jeff Brown and Casey Brown, who quit over the intelligent design issue in October, to run as a bloc against the current board.

Seats in play: Current board members Sheila Harkins and Alan Bonnell are up for re-election, as are the seats of recent board appointees Sherrie Leber, Ronald Short, Edward Rowand and Eric Riddle.

The current board members have not yet announced whether they will seek re-election.

The district's biology curriculum, which makes reference to intelligent design, is the subject of a lawsuit against the district filed last month on behalf of 11 parents by the Pennsylvania American Civil Liberties Union, Americans United for Separation of Church and State and the Pepper Hamilton Law firm. The suit was filed by parents who say the school board violated their children's religious freedom.

The district, represented by the Thomas More Law Center free of charge, has said the purpose of the curriculum is to give students a better education by making them "aware" there are "gaps/problems" with evolution and that other theories exist.

Intelligent design theory attributes the origin of life to an intelligent being. It opposes the theory of evolution, which says that people evolved from less complex beings.

-- Reach Heidi Bernhard-Bubb at 854-1575 or news@yorkdispatch.com.

GRAPHIC: Dover School Board members Angie Yingling, left and Sheila Harkins talk before the start of last night's meeting. Dover School Board member Angie Yingling reviews paperwork before the start of the meeting, Monday, January 10, 2005. Bryan Rehm, one of the plaintiffs against the Dover School District's plan to teach intelligent design, talks to reporters during a break in the meeting, Monday, January 10, 2005. John Pavoncello

LOAD-DATE: March 26, 2005

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Copyright 2005
The York Dispatch (York, PA)

January 11, 2005 Tuesday

SECTION: TOP STORIES

LENGTH: 486 words

HEADLINE: District's lawyers tackle critics, local and national

BYLINE: HEIDI BERNHARD-BUBB *For The York Dispatch*

BODY:

Dover school officials have been silent on the issue of **intelligent design** and the controversy generated by the district's biology curriculum, citing the pending lawsuit against them.

But their attorneys at the Thomas More Law Center in Michigan have been actively responding to critics with a series of open letters and statements released in the past three days.

After the Dover High School science department sent a letter to the administration Thursday asking that teachers be allowed to opt out of reading a statement that questions the theory of evolution and refers to **intelligent design**, the attorneys from Thomas More criticized the department for "attempting to sabotage" a policy created with their input.

However, the teachers' union said last month that the teachers had only edited the **intelligent design** statement and had not been involved with writing it or forming it.

In a statement last night, attorneys from the Thomas More Law Center said the school board had a document that "contradicts the teachers' recent claim that they gave no input into the statement or the curriculum change as it is presently written."

According to Richard Thompson, chief counsel of the center, assistant superintendent Mike Baksa "worked with the teachers and kept them informed throughout the entire process that led up to the development of the biology statement and curriculum change. Not only did the teachers edit the biology statement, but also they agreed to all the changes in the biology curriculum except for the inclusion of the phrase '**intelligent design**.'"

Oppose Penn professors: In addition to the statements on the Dover science department, attorneys from the Thomas More also responded to an open letter from 32 University of Pennsylvania professors Friday criticizing the district's inclusion of **intelligent design** in the biology curriculum.

The professors' letter stated that "the quality of education in your schools has been seriously compromised by the decision to mandate the teaching of '**intelligent design**' along with evolution. Science education should be based on ideas that are well supported by evidence. **Intelligent design** does not meet this criterion: It is a form of creationism propped up by a biased and selective view of the evidence."

In response, Thompson accused the professors of not understanding the district's policy, saying "if the professors' letter was any indication of their level of inquiry before arriving at scientific conclusions, then at the very least, your students should get their tuition money back."

Thompson went on to say that the many "biology scientists" have careers that depend on evolution and are "conducting an assault on school boards across the nation that dare to challenge their dogma."

The York Dispatch (York, PA) January 11, 2005 Tuesday

The More Center is a public interest law firm that often represents Christians who say their rights have been violated.

LOAD-DATE: March 26, 2005

Intelligent design foes frustrated

The issue was not discussed at a Dover school board meeting.

By JOSEPH MALDONADO
For the Daily Record-Sunday News
Tuesday, January 11, 2005

As Monday evening's meeting of the Dover Area School Board progressed, board member Angie Yingling looked distracted. Every now and then she would pick up her pen, bow her head and write.

She was writing was her letter of resignation.

At the end of the agenda, the board went into an executive session to talk about personnel and legal issues. Before Yingling went into the session, she said she wrote the letter with the intention of reading it after the executive session.

She said she wanted to be placed on the agenda so she could make a motion — a motion to have two words, "intelligent design" removed from the ninth-grade biology curriculum and a correlating statement.

Before the executive session, Yingling said she had made a request to be on the evening's agenda but was denied by the board's president, Sheila Harkins.

"I'm going to ask again during executive session," she said.

She said if she were again denied, she would resign.

But after the nearly one-hour session ended, the board returned to its seats, hired a new district employee and adjourned.

Immediately afterward, Yingling was surrounded by members of the local and national media.

A little later, as she walked to her car, she asked herself, "Why won't they let me speak?"

She then said she was told she wasn't allowed to speak at the meeting because Richard Thompson of the Thomas More Law Center advised Harkins not to allow it.

So why didn't Yingling resign?

"I keep telling myself that if I can round up some people to run for election, a new board can resolve these issues in an instant," she said. "So I keep telling myself to hold on."

During the break for executive session, Bryan Rehm echoed those sentiments. Rehm is one of the 11 parents suing the district and board over an Oct. 18 decision to include "intelligent design theory" in ninth-grade biology.

Like Yingling, he is frustrated with board's control over discussion of the intelligent design issue. In early December, Harkins, the new board president, issued a new rule saying the public could no longer comment on issues not on the agenda unless a request was submitted in writing.

Rehm sent a written request, but he opted against speaking Monday night because, he said, "The board isn't listening anyway."

Next month, Rehm will submit the necessary paperwork to run for a seat on the school board. The deadline is Feb. 28.

"I've talked with 30 to 50 different individuals," he said. "And people overwhelmingly don't like what's going on."

Before the meeting, someone in attendance handed out a flier citing an example of the council in Plum Borough, near Pittsburgh, trying to limit public speech and being rejected in court.

"The attachment will be submitted to our solicitor for a review," said Richard Nilsen, the school superintendent. "We'll have a report on that by next meeting."

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Unless the curriculum revision is placed on the agenda, "we can't even talk about it (including design)," she said.

Beth Eveland said she distributed the information in the hopes that the school board will change the public comment policy. She said she would have liked to have appealed to the board directly -- but couldn't because it wasn't on the agenda.

Reach Lauri Lebo at 771-2092 or llebo@ydr.com.

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P 00374

Dover to discuss design' next week; Teachers have not reached the chapter discussing evolution.

LAURI LEBOWITZ, York Daily Record, York, Pa.: Jan 12, 2005. pg. 3

Abstract (Document Summary)

In December, a group of parents filed a federal lawsuit against the district over the school board's decision to include the phrase "intelligent design" in its biology curriculum. Intelligent design is the concept that life is too complex to have evolved solely through natural selection and therefore must have been created by an intelligent designer.

Despite the specific mention of intelligent design in the curriculum, the district maintains that the only discussion of the concept will be in a one-minute statement read to students in the high school's three biology classes.

Attorneys for the plaintiffs had intended to seek a temporary injunction last week to keep intelligent design out of the biology classes.

Full Text (417 words)

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Dover Area educators will not address the issue of intelligent design in biology class Thursday.

Biology teachers at Dover Area High School have not yet reached the chapter that deals with evolution, so the lecture will take place next week, an attorney for the district said Tuesday.

Richard Thompson, president of the Thomas More Law Center representing the district, said the subject of intelligent design will not come up until Monday and Tuesday.

In the meantime, Tammy Kitzmiller, who is one of 11 parents suing the district in federal court over the issue and who has a daughter taking the biology class, received a letter sent home by the district Tuesday permitting students to opt out from the class if they choose.

Kitzmiller said she has not made a decision whether she will sign the letter.

Last month, district officials had said they expected ninth-graders in the semester-long class would discuss evolution as early as Thursday.

In December, a group of parents filed a federal lawsuit against the district over the school board's decision to include the phrase "intelligent design" in its biology curriculum. Intelligent design is the concept that life is too complex to have evolved solely through natural selection and therefore must have been created by an intelligent designer.

Despite the specific mention of intelligent design in the curriculum, the district maintains that the only discussion of the concept will be in a one-minute statement read to students in the high school's three biology classes.

But last week, teachers in the high school's science department sent a letter to the administration requesting they be allowed to "opt out" of reading the four-paragraph statement, and administrators agreed to take over the job.

After the statement is read, teachers will continue with the lesson on evolution.

Attorneys for the plaintiffs had intended to seek a temporary injunction last week to keep intelligent design out of the biology classes.

However, they were thwarted when school board members denied, in depositions, statements attributed to them last summer by both The York Dispatch and the York Daily Record/York Sunday News.

An attorney for the plaintiffs, Eric Rothschild of Pepper Hamilton, said lawyers were surprised by the denials of what they thought was an "established set of events."

Rothschild said the inconsistencies would not have been easily resolved in a short hearing. However, he said he expects the plaintiffs' attorneys will be successful in the long run when they take the case to court in the spring.

Credit: York Daily Record

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Section: LOCAL
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Copyright 2005
The York Dispatch (York, PA)

January 12, 2005 Wednesday

SECTION: LOCAL NEWS

LENGTH: 329 words

HEADLINE: Dover delays biology class statement

BYLINE: HEIDI BERNHARD-BUBB *For The York Dispatch*

BODY:

A statement that raises questions about evolution and makes reference to an alternative theory will not be read to ninth-grade biology students at Dover High School tomorrow as expected.

However, the superintendent said the delay has nothing to do with the lawsuit filed against the district over the statement or the science department's request last week to opt out of reading it.

The statement will be read next Tuesday or Wednesday because the teachers have not yet reached the controversial segment of the course, said superintendent Richard Nilsen.

"In all fairness, Jan. 13 was the earliest date that the teachers would reach the evolution section," Nilsen said.

The controversial four-paragraph statement will be read to students by district administrators.

Teacher request: Last week, the science department asked to opt out of reading the statement, which makes reference to **intelligent design** theory, saying it violates the Pennsylvania's Code of Professional Practice and Standards for Educators.

Union president Sandi Bowser said the code states that teachers cannot knowingly **misrepresent** subject matter in the curriculum, and the science department does not consider **intelligent design** science.

The district's biology curriculum is the subject of a lawsuit filed last month on behalf of 11 parents by the Pennsylvania American Civil Liberties Union, Americans United for Separation of Church and State and Pepper Hamilton Law firm.

The parents say the school board violated their children's religious freedom.

The district, represented by the Thomas More Law Center free of charge, has said that the purpose of the curriculum is to give students a better education by making them "aware" that there are "gaps/problems" with science, and that other theories exist.

Intelligent design theory attributes the origin of life to an intelligent being. It counters the theory of evolution, which says that people evolved from less complex beings.

LOAD-DATE: March 26, 2005

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The York Dispatch (York, PA)

January 12, 2005 Wednesday

SECTION: LOCAL NEWS

LENGTH: 324 words

HEADLINE: Curriculum wording

BODY:

The school board previously voted 6-3 to add the following wording to the high school biology curriculum:

"Students will be made aware of gaps/problems in Darwin's Theory and of other theories of evolution including, but not limited to **Intelligent Design**. The Origins of Life is not taught."

District officials have said that **intelligent design** will not be taught, but students will be made "aware" of the theory and problems with evolution through the following statement, released in November:

"The Pennsylvania Academic Standards require students to learn about Darwin's Theory of Evolution and eventually take a standardized test of which evolution is a part. Because Darwin's Theory is a theory, it is still being tested as new evidence is discovered. The Theory is not a fact. Gaps in the Theory exist for which there is no explanation. A theory is defined as a well-tested explanation that unifies a broad range of observations.

"**Intelligent Design** is an explanation of the origin of life that differs from Darwin's view. The reference book, 'Of Pandas and People,' is available for students to see if they would like to explore this view in an effort to gain an understanding of what **Intelligent Design** actually involves. As is true with any theory, students are encouraged to keep an open mind.

"The school leaves the discussion of the Origins of Life up to individual students and their families. As a tax-payer driven district, class instruction focuses on the standards and preparing students to be successful on standardized assessments."

The following was added to the district's press release on the statement on Dec. 14:

"The foregoing statements were developed to provide a balanced view, and not to teach or present religious beliefs. The Superintendent, Dr. Richard Nilsen, has directed that no teacher will teach **Intelligent Design**, Creationism, or present his or her, or the Board's, religious beliefs."

LOAD-DATE: March 26, 2005

What it means to Dover case

LAURI LEBOW and JOE MALDONADO. *York Daily Record*. York, Pa.: Jan 14, 2005. pg. 1/07

Abstract (Document Summary)

The attorney representing the Dover Area School District said a federal judge's decision regarding stickers on textbooks in Cobb County, Ga., will not affect the battle here over intelligent design.

In a case that has been watched closely by people on both sides of the Dover debate, District Judge Clarence Cooper ordered a suburban Atlanta school system Thursday to remove the stickers from its high school biology textbooks that call evolution "a theory, not a fact."

"(The sticker) was just a critique of evolution," [Eric Rothschild] said. "(In Dover) we have that and the affirmation of intelligent design, which is clearly a religious concept."

Full Text (357 words)

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The attorney representing the Dover Area School District said a federal judge's decision regarding stickers on textbooks in Cobb County, Ga., will not affect the battle here over intelligent design.

In a case that has been watched closely by people on both sides of the Dover debate, District Judge Clarence Cooper ordered a suburban Atlanta school system Thursday to remove the stickers from its high school biology textbooks that call evolution "a theory, not a fact."

But the verdict is still out on whether Dover's change to its biology curriculum, requiring students to hear about the concept of intelligent design, will hold up in court.

Intelligent design is the idea that life is too complex to have evolved solely through natural selection and therefore was created by an intelligent designer.

Last month, 11 parents filed suit against the Dover Area district over the October curriculum revision.

Richard Thompson, president of the Thomas More Law Center, which is representing the Dover Area district, said a Pennsylvania court would not be required to follow the judge's ruling in the Georgia case.

Also, Thompson said, Judge Cooper in his written decision spelled out that the Atlanta case had nothing to do with the concept of intelligent design.

Still, that doesn't mean Thompson, whose firm touts itself as being "dedicated to the defense and promotion of the religious freedom of Christians," likes the decision.

"It's quite permissible in school to put condoms on cucumbers," he said, "but don't you dare criticize evolution."

Eric Rothschild, an attorney representing the parents from Pepper Hamilton, LLP in Philadelphia, said he was aware of the court's decision.

"We've been watching this case closely," he said. "And we think the result was very favorable to our position."

While Rothschild said he would never assume that any Pennsylvania judge would automatically follow suit on the issue, he also said he felt his client's case was even stronger than that of the plaintiffs in the sticker case.

"(The sticker) was just a critique of evolution," Rothschild said. "(In Dover) we have that and the affirmation of intelligent design, which is clearly a religious concept."

Credit: York Daily Record

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People: Thompson, Richard, Rothschild, Eric

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The York Dispatch (York, PA)

January 14, 2005 Friday

SECTION: TOP STORIES

LENGTH: 734 words

HEADLINE: Ruling lauded in Dover

BYLINE: HIRSH BERNHARD-BUBB *For The York Dispatch*

DAYLINE: Opponents of the curriculum call it a helpful precedent, while proponents of it say the judge addressed evolution, not **intelligent design**

BODY:

Attorneys representing both sides in the lawsuit against the Dover School District over its biology curriculum say their cases will be strengthened by a federal judge's decision yesterday in an evolution case in Georgia.

a theory that attributes the origin of life to an intelligent being.

In Georgia, U.S. District Judge Clarence Cooper ruled that stickers placed in high school biology textbooks, calling evolution "a theory not a fact," were an unconstitutional endorsement of religion. He ordered them removed.

Cobb County, Ga., school officials put the stickers in the books two years ago. They read: "This textbook contains material on evolution. Evolution is a theory, not a fact, regarding the origin of living things. This material should be approached with an open mind, studied carefully and critically considered."

Similar language was used in a statement written by Dover school officials in November. It raised questions about evolution and referred to **intelligent design** theory. Dover's statement says, "Because Darwin's Theory is a theory, it is still being tested" and, "The Theory is not a fact."

It also states that students are "encouraged to keep an open mind" about evolution and **intelligent design** theory.

The statement will be read to Dover biology students starting next week.

Plaintiff's lawyer -- helpful precedent: But last month, 11 parents sued over the curriculum, saying it violated their children's religious freedom.

Their attorney, Eric Rothschild, said the Cobb County case sets a helpful precedent and is a good sign because of similar issues in both cases.

However, he said every case has to be decided on its own merits and he believes the case against Dover is even stronger because Dover's policy goes further than the stickers with its inclusion of **intelligent design** theory in the curriculum.

In addition, Rothschild said there is a stronger record of the Dover school officials' religious motivation and that Dover's language "takes pains to single out evolution as the only scientific theory being taught for which there are gaps and problems."

The York Dispatch (York, PA) January 14, 2005 Friday

District officials, represented by the Thomas More Law Center free of charge, say the curriculum seeks to give students a better education by making them "aware" of "gaps/problems" with evolution and that other theories exist.

Board's lawyer — strengthens defense: Richard Thompson, chief counsel of the Thomas More Law Center, said the Cobb County decision will not impact the defense's case at all and will probably strengthen it.

Thompson cited support for Dover in Judge Cooper's ruling, which reads, "the Court is not resolving in this case whether science and religion are mutually exclusive, and the Court takes no position on the origin of the species. Second, the issue before the Court is not whether it is constitutionally permissible for public school teachers to teach **intelligent design**. ... Third, this case does not resolve the ongoing debate regarding whether evolution is a fact or theory."

Thompson said the defense will use much of the same case law cited in the judge's ruling and said the definition of a scientific theory was taken directly from the biology textbook, which makes it different from the language used in the Cobb County stickers.

The case against Dover is expected to go to trial sometime this year.

No restraining order: Last week, the plaintiffs decided not to seek a temporary restraining order to block the **intelligent design** statement because of a dispute over statements of school officials that allegedly showed the board's religious motivation in changing the curriculum.

School officials either said they could not recall hearing or making certain statements, or said they were made in a different context.

In a statement released on the Thomas More Web site, Thompson said, the "pull back is clearly a good sign for the Dover School District. After several days of depositions it became clear that they simply did not have a strong enough case to ask that the policy be blocked."

Rodschild said he is confident attorneys for the plaintiffs will ultimately be able to prove the board's religious motivation, but did not have enough time before the deadline for the restraining order.

-- Reach Heidi Bernhard-Bubb at 854-1575 or news@yorkdispatch.com.

The Associated Press contributed to this report.

LOAD-DATE: March 26, 2005

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Article Last Updated: Friday, January 14, 2005 - 11:12:19 AM EST
 Residents: Dover policy breaks the law

Western Pa. case invalidated similar comment rules

By HEIDI BERNHARD-BUBB *1 1/2 The York Dispatch*

☐ A group of Dover residents say the school board's new public comment policy-- limiting public comment to agenda items only -- violates Pennsylvania's Sunshine Law and the First Amendment to the U.S. Constitution.

And they cite a case in Western Pennsylvania that forced a borough to change its policy.

Dover's policy was enacted in December by new board president Sheila Harkins who said that the change was meant to keep the meetings running smoothly and avoid contention. She said it was not in response to the ongoing intelligent-design controversy and lawsuit against the district.

However, several residents have questioned whether the new policy was a way for the board to squelch opposition to its agenda.

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The new policy not only requires members of the public to limit their comments to agenda items, it also requires...

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on the

agenda to be submitted to the board in writing. The school board has final say on what will go on the agenda.

Beth Eveland, Cynthia Sneath and Tammy Kitzmiller, plaintiffs in the lawsuit against the district over the inclusion of intelligent design in the biology curriculum, passed out a handout at Monday's meeting that questioned the legality of the public comment policy.

Eveland said the handouts were given to the public on behalf of the three plaintiffs and "a group of concerned taxpayers" because they wanted to get information out and would not be allowed to speak because the policy was not on the agenda.

Superintendent Richard Nilsen said the handout would be passed along to the district's solicitor Stock and Leader and a response would be given next month.

Not interested in another lawsuit: Eveland said the group is not interested right now in suing the district. But she thinks the public should be allowed to discuss such issues as the public comment policy and the intelligent design debate, at the board meetings rather than in writing or with individual school board members.

The residents' protest of the policy may have solid legal footing.

Teri Henning, legal counsel for the Pennsylvania Newspaper Association said she thinks "a blanket policy that restricts comment in this way is overly restrictive and is inconsistent with the requirements of the Sunshine Act."

According to Henning, the Sunshine Act requires government agencies to allow residents and taxpayers a "reasonable opportunity" to comment on "matters of concern, official action or deliberation which are or may be before the board or council."

The Sunshine Act also gives the public the right to comment on matters that "may be" before the board in the future. Restricting comments to agenda items only would not allow residents to comment on future business or ongoing business.

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Constitutional argument: Witold Walczak, legal counsel of the Pennsylvania American Civil Liberties Union, said government agencies are allowed to limit public comment in ways that are content-neutral, for example, limiting the length of comment, when it occurs, and banning obscene or irrelevant comments, such as reading from the phone book.

However, he said, the public has a right to comment on any current or future school district business and cannot be restricted to agenda-items

only, he said.

Walczak said there is also a strong constitutional argument against the policy.

It violates the public's right to free speech because the board can restrict those things that they don't want to discuss; they are controlling the message, and that is prohibited by the First Amendment, Walczak said.

Walczak was an attorney for a similar case in Western Pennsylvania cited in the Dover residents' handout.

In the 2002 case, *Schlegel v. Plum Borough*, a federal judge issued a temporary restraining order against a provision of a borough ordinance that limited residents' comments to items on the council's agenda.

He said that he sees no difference between Dover's policy and the Plum Borough ordinance provision.

Walczak said Plum Borough ultimately settled with the plaintiffs, paid their fees, and changed its policy.

The school board's next meeting, where the policy may be discussed, will be at 7 p.m. Feb. 7 at North Salem Elementary School.

-- Reach Heidi Bernhard-Bubb at 854-1575 or news@yorkdispatch.com.

Â Â ☐ RETURN TO TOP

Your Voice

What do you think about the Dover School Board decision to include intelligent design in the curriculum?

(More Messages)

Who is the designer	1/15/2005 2:02:00 PM
Dover Resident	With the story of creation in the Bible, you know that the creator is God. With Intelligent design, it is only stated that life on earth is too complex to have evolved, that it had to be created. ID does not identify the creator. So with intelligent design, the creator could have been anyone, God, an alien or even Satan. Contemplate on that for a few minutes. If you are a Christian, and you believe in the Book of Genesis, you should be as outraged that the school board is teaching something other than Creationism, as you may be that the curriculum contains evolution. You need to find out more about ID before you go jumping on the school boards band wagon.
ID	1/14/2005 3:37:00 PM
Biology Teacher in New Mexico	#1 Intelligent design has a far more scientific base than John Q Public knows about. #2 Find a believable naturalistic theory for the origin of life on Earth and ID will go away. Otherwise ID makes the most sense scientifically. #3 Controversy is a great educational motivator. You have to

P 00387

understand a system to be able to judge it's validity.

Dover
Issue

1/14/2005 10:16:00 AM

Joan
Bitzer

I watched Nightline last night. Mr. Mummert's assumption that anyone who is not a devote Christian automatically thinks Christians are half-educated and dumb because they believe in creationism, I.D. or whatever you call it is ludicrous. He doesn't understand that by pushing their faith, they are ostracizing those who don't share their faith. Creationism, I.D. and the like are just that, FAITH. Pushing it into a scientific forum does not make it scientific. Until it stands to the same scrutiny as evolution, it remain faith.

Dover
Issue

1/14/2005 10:15:00 AM

Joan
Bitzer

I watched Nightline last night. Mr. Mummert's assumption that anyone who is not a devote Christian automatically thinks Christians are half-educated and dumb because they believe in creationism, I.D. or whatever you call it is ludicrous. He doesn't understand that by pushing their faith, they are ostracizing those who don't share their faith. Creationism, I.D. and the like are just that, FAITH. Pushing it into a scientific forum does not make it scientific. Until it stands to the same scrutiny as evolution, it remain faith.

Luddite
imbeciles

1/13/2005 11:01:00 PM

Lowell
Skelton

This controversy has gone on far too long. It's a clear choice between teaching science or mythology. Those who believe evolution is "teaching atheism" are beyond any hope of education. Apparently they believe God is too stupid to put a complex process like evolution into motion. With these imbeciles dictating education policy, the next curriculum revisions will be the stork theory of reproduction, and the use of black cats, ladders, broken mirrors, and rabbits' feet in determining mathematical probability.

Our
Children's
Future

1/12/2005 6:01:00 PM

Jerry
Sparks

The children in these classrooms will soon find themselves in an incredibly competitive job market. Science and technology will be the driving forces. If one wants a lesson in natural selection then attempt to find a job when you are not qualified. Darwin pulled a lot of his ideas from Thomas Malthus and considerations of successful business enterprises. Businesses that could not compete would be chosen against and eliminated. If we want our children to be "fit" in the science and technology job market then the highest standards need to be maintained in science. How can a school board think they are helping the children accomplish this when they are running against the grain of the National Academy of Science and the scientific community at large regarding the merits of this issue? One

P 00388

can always find a Doctor that will advocate snake oil if it fits their needs. One will always be able to find scientists that will believe in ID, UFOs, or the Loch Ness monster. If these indeed have merit then let the scientific community work it out first. Do not turn a child's classroom into a sociopolitical battleground where the primary casualty of war is the child's education and future.

dover

1/12/2005 2:05:00 PM

Mary
Bupp

I believe there is a silent majority of parents in Dover who agree with what these 11 parents are trying to do. But they are afraid to speak out lest they be judged by their neighbors and congregations. It believe most pastors in the area probably side with Pastor Esbach. There is a time and a place for everything. If it looks like a dog, sounds like a dog and wags like a dog, it is a dog. Let's call I.D. what it really is, creationism in wolves clothing. I hope the silent majority can muster the conviction to back these courageous 11 parents.

Dover

1/12/2005 2:00:00 PM

Larry
Wentz

There has been a majority of public comment about this at the Dover School Board meetings, yet they turned a blind eye (ear). What happened to representation of the taxpayers. These people are promoting their own agenda. Let the scientists figure it out! Science texts are updated every couple of years - more than any other text book. Why? Because science is always discovering new and exciting things about our world. To keep informed I read science journals - from all walks. Maybe more people should do the same.

Ray
Hunt's
comment

1/12/2005 1:56:00 PM

John
Baublitz

I agree with Mr. Hunt. This board's previous words and actions speak louder than their current words. Let's vote the rascals out of office!

Dover
Issue

1/12/2005 1:53:00 PM

Barb
Stoffer

I agree with Mr(?) Blymire's comment below. If that is how a religious school teaches creationism and evolution, why wouldn't a public school do the same?

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Statements from depositions

York Daily Record. York, Pa.: Jan 16, 2005. pg. 11

Abstract (Document Summary)

On Jan. 3 three Dover Area School District board members Bill Buckingham, Sheila Harkins, Alan Bonsell and Supt. Richard Nilsen gave depositions that dispute many of the remarks from school board meetings attributed to them by the York Daily Record/Sunday News and The York Dispatch.

-- Regarding statements that board members said creationism should be taught in addition to evolution at June 7 and June 14 board meetings, school board President Sheila Harkins said, "We never looked for a book that included both creationism and evolution, never."

--Regarding statements attributed to Bonsell at the June 7 school board meeting that there were only two theories that could be taught (evolution and creationism), Bonsell said, "I didn't say that."

Full Text (475 words)

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On Jan. 3 three Dover Area School District board members Bill Buckingham, Sheila Harkins, Alan Bonsell and Supt. Richard Nilsen gave depositions that dispute many of the remarks from school board meetings attributed to them by the York Daily Record/Sunday News and The York Dispatch.

The following are some of the statements and their responses to them in the depositions.

-- Regarding statements that board members said creationism should be taught in addition to evolution at June 7 and June 14 board meetings, school board President Sheila Harkins said, "We never looked for a book that included both creationism and evolution, never."

Board member Alan Bonsell said, "All this debate about creationism, yes, that never did happen. It was not a debate about creationism."

-- Regarding an article that said Buckingham objected to the proposed high school book because it was laced with Darwinism, plaintiffs' attorney Stephen G. Harvey asked, "Did you say that?"

"Not to my knowledge," Buckingham said. "I expressed a concern."

-- Regarding the statement attributed to board member Bill Buckingham after the June 7 school board meeting: "This country wasn't founded on Muslim beliefs or evolution. This country was founded on Christianity, and our students should be taught as such."

Board President Sheila Harkins said, "It wasn't said then."

Harvey asked, "How do you know that?"

"He only said it once. Once was too much," Harkins said.

"You did hear him say that in or around November of 2003, correct?" Harvey asked.

"You better believe it," Harkins said.

"To the best of your knowledge, he didn't make this statement again on June 8th?" Harvey asked.

Harkins: "That's correct."

Board member Alan Bonsell said, "... before this, there was another discussion on the Pledge of Allegiance, but this was the year before.

Plaintiffs' attorney Eric Rothschild asked, "You think he did make a statement along those lines regarding the pledge?"

"To be honest," Bonsell said. "I'm not sure when he said it or if it if this is exactly what he said, I'm just not sure."

-- When Nilsen was asked whether he recalled any of the board members "speaking in favor of a biology book that includes theories of creationism as part of the text," the superintendent said, "No."

Later in the deposition, Nilsen was asked, "You have no recollection of the subject of creationism at any School Board meeting?"

"That's correct."

Have the School Board members expressed to you in any other setting their desire to have creationism taught in the public school?

"No. Exact opposite."

What do you mean by exact opposite?

"They don't want the origins of life taught at all."

--Regarding statements attributed to Bonsell at the June 7 school board meeting that there were only two theories that could be taught (evolution and creationism), Bonsell said, "I didn't say that."

Credit: York Daily Record

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People: Buckingham, Bill, Harkins, Sheila, Bonsell, Alan, Nilsen, Richard, Harvey, Stephen G
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Dover figures deny remarks on creationism

Their depositions contradict what others remember

By LAURIE LEBOW
Daily Record/Sunday News
Sunday, January 16, 2005

As Dover Area School District officials prepare to read a controversial statement to ninth-grade biology classes this week, what really happened at school board meetings in June has become a central issue in the First Amendment fight over intelligent design.

In sworn depositions, school board members deny charges that they were motivated by religion when they revamped the district science curriculum to include the phrase "intelligent design."

School board members Bill Buckingham, Sheila Harkins and Alan Bonsell and Supt. Richard Nilsen have, under oath, either said they have no memory of making the remarks related to creationism or denied making them.

But some residents and former district officials insist the board members made the statements they later denied making.

Attorneys for 11 parents suing the district over the curriculum requirement that biology students must be told about the concept of intelligent design say the requirement is an attempt to get God into science class, something the U.S. Supreme Court has forbidden in a number of cases.

In the federal lawsuit's complaint, filed in December, attorneys point to several remarks concerning creationism reportedly made by some board members at school board meetings last summer. The statements were reported by both The York Dispatch and the York Daily Record/Sunday News.

"I was a part of the curriculum committee, and I've never had anyone ever talk about looking for a book of creationism and evolution," Harkins said in depositions.

When attorneys asked Buckingham whether he said at a school board meeting that all he wants is a book that offers balance between what he said are the "Christian view of creationism and evolution," Buckingham stated,

"Never said it."

But a taped television interview at the time shows Buckingham, the board's chief proponent of intelligent design, talking about teaching creationism in science class.

At issue are discussions that took place at the June 7 and June 14 meetings on whether to approve a teacher-recommended biology book. In deposition hearings Jan. 3, the parents' attorneys attempted to show the discussions were about whether students in the ninth-grade biology class should be taught creationism in addition to evolution.

Teaching two theories?

In June, Buckingham voiced concerns that the biology book included references to Darwinism. But in their depositions, three school board members said they don't remember any discussion of creationism at board meetings.

One week after the June 14 meeting, Buckingham, in a taped interview with a Fox television reporter regarding the biology textbook, said, "My opinion, it's OK to teach Darwin, but you have to balance it with something else such as creationism."

He also said in the WPMT-TV (Ch. 43) interview that he opposed the biology textbook because "the book that was presented to me was laced with Darwinism from beginning to end."

In his deposition, Buckingham said he didn't recall uttering the phrase "laced with Darwinism," although he admitted to having concerns with the mention of evolutionary theorist Charles Darwin in the textbook.

Richard Thompson, president of Thomas More Law Center, which is providing legal representation to the district in the suit, did not return calls for comment regarding the television interview.

Eric Rothschild, an attorney for Pepper Hamilton, which is representing the 11 parents suing the district, also declined to comment, saying he first wanted to view the tape himself.

When board members in their depositions disputed

published accounts of the meetings, parents' attorneys decided they could not prove their case in time to meet a court deadline to request an emergency injunction that would have prevented intelligent design from being mentioned in class this week.

But while plaintiffs were temporarily thwarted by the denials in the depositions, they say the battle is far from over. No court date has yet been scheduled.

The parents' case had been hindered because there is believed to be no recorded documentation of the meetings. According to practice, the school board recorded the two June meetings. However, after the official minutes are typed, all tapes are recorded over. The official minutes, available online at <http://www.dover.k12.pa.us>, include motions and votes but do not record the discussions or statements made by board members or others.

Also, there has been little discussion of the issue since the board changed its public comment policy last month and prohibited residents from discussing items not on the printed agenda without first submitting a request in writing.

'Died on a cross'

One of the most controversial statements, which was quoted in the lawsuit and by both local newspapers, was reportedly made by Buckingham at the June 14 meeting: "Two thousand years ago, someone died on a cross. Can't someone take a stand for him?"

In depositions, both Harkins and Buckingham said the remark had been made only at a meeting in November 2003 during a debate over the Pledge of Allegiance.

"He never said that again," Harkins said.

Christie Rehm, one of the 11 plaintiffs in the case, said she remembers Buckingham making the remark, and said she didn't start coming to board meetings until June 2004 — after the controversy over the biology textbook arose.

"I genuinely recall what I heard," Rehm said. "In part because I was so appalled by that meeting."

Former board members Jeff and Casey Brown said they recall Buckingham's statement from the June meeting, as

well as an ongoing discussion of creationism.

The Browns resigned from the school board in October 2004 after the board voted to add the phrase "intelligent design" to the biology curriculum. When asked if the "died on a cross" statement could have been made only in November 2003, Casey Brown said, "Absolutely not."

Her husband said he remembers the specifics because "It kind of made me want to crawl under the table."

Former board member Larry Snook, who left the board in 2003, also recalls Buckingham's remark. He said board members were discussing creationism during the textbook debate.

However, Noel Wenrich, who stepped down from the board in October 2004, said he thinks the remark might have been made in November 2003 by Buckingham's wife, Charlotte. While Wenrich supports teaching the concept of intelligent design, he said he disagrees with the way the board handled it and was one of three board members who voted against the curriculum change Oct. 18.

Warren Eshbach, a retired pastor who has on several occasions appealed to the school board to drop the intelligent design requirement, also said he recalls creationism being discussed at the meeting.

He himself used the word when he addressed board members on June 14. He said he remembers asking them, "Are you sure you want to mandate the teaching of creationism?"

He said he remembers cautioning them that to do so would violate U.S. Supreme Court decisions forbidding the teaching of creationism in public school science classes.

Proponents of intelligent design — the idea that life is too complex to have evolved solely through natural selection and therefore must have been created by an intelligent designer — say that the concept is not related to the biblical account of creation.

Despite board members' assertions that intelligent design is not about religion, in court depositions, Bonsell, Buckingham and Harkins struggled to define it.

"It's a scientific theory because a lot of scientists back it,"

Buckingham said.

Bonsell declined comment last week. Harkins and Buckingham did not return phone calls. Pastor Edward Rowand, who joined the board in December, would not talk to a reporter because the reporter declined to discuss her religious beliefs.

"If you won't talk to me, I'm not going to talk to you," he said.

Reach Lauri Lebo at 771-2092 or llebo@ydr.com.

Statements from depositions

On Jan. 3 three Dover Area School District board members — Bill Buckingham, Sheila Harkins, Alan Bonsell — and Supt. Richard Nilsen gave depositions that dispute many of the remarks from school board meetings attributed to them by the York Daily Record/Sunday News and The York Dispatch.

The following are some of the statements and their responses to them in the depositions.

- Regarding statements that board members said creationism should be taught in addition to evolution at June 7 and June 14 board meetings, school board President Sheila Harkins said, "We never looked for a book that included both creationism and evolution, never."

Board member Alan Bonsell said, "All this debate about creationism, yes, that never did happen. It was not a debate about creationism."

- Regarding an article that said Buckingham objected to the proposed high school book because it was laced with Darwinism, plaintiffs' attorney Stephen G. Harvey asked, "Did you say that?"

"Not to my knowledge," Buckingham said. "I expressed a concern."

- Regarding the statement attributed to board member Bill Buckingham after the June 7 school board meeting: "This country wasn't founded on Muslim beliefs or evolution. This country was founded on Christianity, and our students should be taught as such."

Board President Sheila Harkins said, "It wasn't said then."

Harvey asked, "How do you know that?"

"He only said it once. Once was too much," Harkins said.

"You did hear him say that in or around November of 2003, correct?" Harvey asked.

"You better believe it," Harkins said.

"To the best of your knowledge, he didn't make this statement again on June 8th?" Harvey asked.

Harkins: "That's correct."

Board member Alan Bonsell said, "... before this, there was another discussion on the Pledge of Allegiance, but this was the year before.

Plaintiffs' attorney Eric Rothschild asked, "You think he did make a statement along those lines regarding the pledge?"

"To be honest," Bonsell said. "I'm not sure when he said it or if it -- if this is exactly what he said, I'm just not sure."

• When Nilsen was asked whether he recalled any of the board members "speaking in favor of a biology book that includes theories of creationism as part of the text," the superintendent said, "No."

Later in the deposition, Nilsen was asked, "You have no recollection of the subject of creationism at any School Board meeting?"

"That's correct."

Have the School Board members expressed to you in any other setting their desire to have creationism taught in the public school?

"No. Exact opposite."

What do you mean by exact opposite?

"They don't want the origins of life taught at all."

• Regarding statements attributed to Bonsell at the June 7

school board meeting that there were only two theories that could be taught (evolution and creationism), Bonsell said, "I didn't say that."

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Dover lawyers look to Santorum

Senator's proposed amendment to education bill may affect Dover's ID controversy.

By W.B. SULLIVAN
Medill News Service
Monday, January 17, 2005

WASHINGTON, D. C. — Attorneys for the Dover Area School District have cited a position espoused by U.S. Sen. Rick Santorum, R-Pa., in their defense of the district's proposal to include the concept of intelligent design in high school biology classes.

Representing the parents of 11 Dover students, the American Civil Liberties Union has claimed that the district's decision to include intelligent design in its curriculum is fundamentally about religion and is therefore unconstitutional.

This week, the subject of intelligent design is expected to be addressed in ninth grade biology classes. In three classes administrators are expected to read a four-paragraph statement on the concept.

Intelligent design is the concept that life is too complicated to have evolved randomly through natural selection and therefore must have been created by a supremely intelligent being. It does not claim any religious theory as an answer.

The language of the so-called "Santorum Amendment" was adopted into the conference committee report of the 2001 No Child Left Behind Act. The amendment says, "Where topics are taught that may generate controversy (such as biological evolution), the curriculum should help students to understand the full range of scientific views that exist, why such topics may generate controversy, and how scientific discoveries can profoundly affect society."

Santorum's amendment is not part of the final language of the No Child Left Behind Act and does not mandate the teaching of alternate theories regarding the origins of life.

But according to a September 2003 letter to a major proponent of intelligent design, Santorum and two other congressional Republicans said the amendment's inclusion in the conference committee report "therefore represents the official view not only of the Conference

Committee but of the United States Congress as a whole about how science instruction should proceed under the No Child Left Behind Act."

"We take that language in the fact that it was part of the final conference report, regarded on par with the authority of law," said Richard Thompson, President of the Thomas More Law Center in Ann Arbor, Mich., and lead counsel for the Dover school district. "Courts go to the reports to discover the intent of legislation. Report language has historically been considered."

But that, according to ACLU attorney Vic Walczak, does not pass constitutional scrutiny. The Establishment Clause of the Constitution states that, "Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof."

Neither the Santorum language nor the theory of intelligent design make mention of religion.

"Even if this required the teaching of intelligent design it still wouldn't be a defense to the court saying it's unconstitutional," Walczak said. "This should not even come into the legal calculus of this case."

The Santorum language was approved in the Senate by a bipartisan vote of 91 to 8 and was supported by such staunch Democrats as Sen. Edward Kennedy, D-Mass., who once spoke to the conferees on behalf of Santorum's amendment.

"We want children to be able to speak and examine various scientific theories on the basis of all of the information that is available to them so they can talk about different concepts and do it intelligently with the best information that is before them," Kennedy said in a June 13 statement. "I think the senator has expressed his views in support of the amendment and the reasons for it. I think they make eminently good sense."

Kennedy's office declined to comment on whether he currently supports the language as applied to the Dover case.

Santorum proposed the amendment to educators to help students learn to distinguish philosophy from science, but has stated repeatedly that this does not involve creationism.

"I am not an advocate for intelligent design and I do not believe that public schools should be teaching biblical creationism in the science classroom," Santorum said.

"However, I do believe that evolution should be taught as a theory -- not fact. It's important to teach the controversy of evolution so that students fully understand the depth of discrepancies regarding Darwin's evolution theory and the increasing number of respected scientists beginning to question evolution."

Thompson too contended that the argument in Dover is not over creationism but balanced educational opportunities in schools.

"[Intelligent design] may have net implications, so does evolutionary theory and that does not in and of itself make it unconstitutional," Thompson said.

More parents want to join lawsuit, on district's side

By JOSEPH MALDONADO
For the Daily Record Sunday News
Wednesday, January 19, 2005

A new set of parents have appeared on the intelligent design legal landscape. But unlike the first group, these parents support the Dover Area School District's October decision to include intelligent design in the ninth-grade biology curriculum.

In December, 11 parents sued Dover's school board and administration, saying the inclusion of intelligent design in the classroom violated the constitutional separation between church and state.

Michael and Sherree Hied, Raymond and Cynthia Mummert and James and Martha Cashman have petitioned the courts to become defendants with the board and administration.

The petition was filed Monday in the U. S. District Court for the Middle District of Pennsylvania. Two law firms, Drinker, Biddle and Reath in Philadelphia and The Rutherford Institute in Charlottesville, Va., have agreed to represent the six pro bono.

On the surface it might sound as though these parents are susceptible to the same legal repercussions as the other two entities. But John Whitehead, attorney and president of The Rutherford Institute, said that is not the case.

"These parents did not pass the policy," he said. "Their request is on a separate action."

The "interveners," as they are called in the petition, state they want to ensure that students have access to information concerning the evolution theory's gaps.

"These are very important discussions on the origins of life," Whitehead said. "And (students) need the truth about the different views on this subject."

According to its Web site, the institute's mission is to provide legal services in the defense of religious and civil liberties and to educate the public on important issues affecting their constitutional freedoms.

If the legal representatives of the plaintiff parents succeed

in their lawsuit, Whitehead said, the end result will be the total censorship of any idea that competes with "Darwin's Theory of Evolution."

While there is an emphasis in the institute's mission statement about defending religious liberties, Whitehead said science classes could also be discussing another theory called Panspermia.

This concept suggests that life began when a meteor or comet containing biological spores hit the earth, planting the seeds for life. Whitehead said the censorship of any of these ideas would violate the interveners First Amendment right to free speech.

Jason Gosselin, an attorney from Drinker, Biddle and Reath, said he understands the plaintiff's concern about intelligent design's potentially religious connection.

But he also said that even if a connection could be proven — a claim he disputes — that in itself should not be enough to discredit and disregard intelligent design's legitimate scientific value.

"None of these discussions should be banned from any institute of learning," Gosselin said.

As long as the board is meeting its mandate to teach state standards, Gosselin said, no one should stop it from going above and beyond.

Sherree Hied said she was approached to become an intervener after attorneys from Drinker, Biddle and Reath read editorials submitted by their daughter, Sarah Hied, who is in college. The Hieds agreed to be a part of the petition because they have another daughter getting ready to take ninth-grade biology in Dover.

"She is slated to hear the intelligent design statement next time it's read," Sherree Hied said. "And we wanted to show our support for the board's decision."

Eric Rothschild, an attorney representing the 11 plaintiff parents, said the new petition won't change anything about the way they are pursuing the case.

"All this does is involve more lawyers," he said. "And all that does is increase costs."

He also said that it didn't surprise him that more people were becoming involved.

"We're just going to keep pressing forward regardless of who is taking part," he said.



Dow Jones & Reuters

A Section

Telling biology students of concept divides town

JIM LEWIS

Of The Patriot-News

877 words

18 January 2005

Patriot-News

FINAL

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English

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Dover braces for 'intelligent design' battle

Eugene Hildebrand, a retired steel-plant painter, laments the lack of God in America's classrooms as the eggs and toast on his plate at the Route 74 Diner grow cold.

Used to be, teachers would read Bible verses in class. But judges and lawsuits have removed religion from the classrooms, and what do you have? he asks. Swearing on TV, guns in schools, moral decay that shocks the 73-year-old Dover man.

"We're taking Bibles to the jails now," he says ironically. "If they teach a little more about religion in schools, they wouldn't have guns in schools, policemen in schools. If they don't want God in schools, they're idiots."

But he's encouraged by a recent decision by the Dover Area School Board to counter the teaching of evolution with the theory of "intelligent design" in the high school's ninth-grade biology course.

The board voted 6 to 3 in October to read a one-minute statement to those classes that calls evolution "a theory" in which gaps "exist for which there is no evidence." **Intelligent design**, the statement says, is "an explanation of the origins of life that differs from Darwin's view."

Eleven parents have filed a federal lawsuit challenging the board's decision. But that won't stop the statement from being read to students this semester, perhaps as early as this week, according to a spokesman for the Thomas More Law Center, a conservative Christian law center that is representing the school board.

Dover is the first school district in the country to require teachers to introduce **intelligent design** in science classes.

The board's act also may have made Dover, a working-class town of brick and frame houses about 35 miles southwest of Harrisburg, a battleground for the latest fight over evolution and creationism, and the separation of church and state.

Dover is an old, middle-class town of about 1,800 people in the conservative suburbs outside York. Narrow porches hug busy Route 74, below a clock in the tall steeple of a Lutheran church near the small square. Modest Christmas decorations -- placards of Santa Claus and snowmen surrounded by green garlands -- still hang from the square's traffic lights.

At the high school, a flat, red brick building that seems to be a collection of additions, the tall bust of an eagle -- the school mascot -- greets visitors at the entrance.

To Hildebrand, who has lived in town for 33 years, God and biology go together as well as the eggs and toast on his plate.

"It's like the Bible says -- God created the Earth, and that's it," he said. "Evolution is Darwin's theory. It's not a fact. I'll stand on the word of God in the Bible, and nothing else."

Not everyone is happy with the board's decision. Other townspeople see it as an offensive by ambitious conservative Christians to make a name for themselves.

"The six who voted for it are out the door -- everyone knows it," said Kelly Crone, the father of a high-school student, speaking of the chances of incumbent board members winning re-election. "They're going to have more problems with parents fighting over this than what it's worth. If we lose, we pay -- and we're going to lose."

Others support the effort, seeing it as an overdue victory in a long-time assault against Christianity in schools, courthouses and city halls. To them, someone always seems to be challenging Christian symbols and references to God.

"I'm a little tired of five or six people saying we should take the Ten Commandments out of a courthouse, or God shouldn't be on our money," said Carol Krout, who owns an upholstery shop beneath apartments in a large frame house along Route 74.

Customers and friends outside Dover have sent e-mails to Krout lamenting the same thing, she said. She would like to see the school board's decision put on a ballot for the public to decide. "People are a little tired of everything religious being taken out of everything," she said.

Some aren't fired up by the issue. They believe the one-minute statement on **intelligent design** is innocuous, perhaps a decent compromise.

Walter Reed sits and smokes a cigarette on the porch of a small frame house along Route 74, a tattered, weather-beaten American flag hanging from a post above him. He believes religion should not be taught in schools -- "That was the purpose of Catholic school, right?" he asked -- but the statement on **intelligent design** doesn't disturb him.

"It doesn't bother me none," he said. JIM LEWIS: 255-8479 or jlewis@patriot-news.com

PHOTO: PAUL CHAPLIN; Caption: "If they don't want God in schools, they're idiots," said Eugene Hildebrand, 73, of Dover, applauding the introduction of the theory of "**intelligent design**" in biology classes at Dover Area High School.; "That was the purpose of Catholic school, right?" said Walter Reed of Dover, explaining his opposition to the teaching of religion in public schools.

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Students miss ID idea

Dover Area school officials told students about intelligent design, then left.

By LAURIE FRO and JOE MALDONADO
Daily Record/Sunday News
Wednesday, January 19, 2005

Some of the 35 Dover ninth-graders who heard about intelligent design Tuesday couldn't explain the concept afterward.

The controversial statement didn't define intelligent design, and school administrators who read it didn't answer questions.

Yet the law firm championing the case for the Dover Area School District touted it as a "revolution in evolution."

Dover is believed to be the first district in the nation to require intelligent design to be mentioned as an alternative to evolution in public school science class.

Despite criticism from the district's own science faculty and from university professors — as well as a lawsuit filed to keep the concept of intelligent design out of the classroom — administrators read a four-paragraph statement on the concept and what the statement referred to as "gaps" in evolutionary theory.

But what students in the two classes learned from the one-minute lecture remains to be seen.

When asked to explain intelligent design, Nick Shontz, a student in one of the biology classes said, "I really wasn't paying attention."

His friend Jess Miller, who is also taking biology but who had not yet heard the statement, said she thinks the controversy comes close to violating the First Amendment's Establishment Clause prohibiting the establishment of religion.

"If they're going to teach that, then they should teach everything — like Rastafarianism," Miller said.

The statement read to students didn't actually say what intelligent design is about — the idea that life is so complex it could not have evolved solely through natural

selection and therefore must have been created by an intelligent designer.

Rather, it read: "Intelligent design is an explanation of the origin of life that differs from Darwin's views. The school leaves the discussion of the origins of life to individual students and their families."

Attorneys for the 11 parents suing the district over the requirement say the school board was motivated by religion when it voted 6-3 in October to add the phrase "intelligent design" to the biology curriculum.

Board members say they were merely trying to present an alternative view to the theory of evolution.

But Danielle Yagodich, one of the students in class when the statement was read, disagrees.

While she thinks the statement itself "was kind of confusing," she said the motives behind it are clear.

"Putting this into the curriculum is one small step," Yagodich said.

"Eventually, there's going to be creationism in the class."

No questions

After students heard the statement, they were told that if they had any questions, they should speak to their parents or contact district administrators, students said. They were also told they could refer to one of 60 copies of the book, "Of Pandas and People," kept in the high-school library.

Yagodich said some of her friends had questions, but administrators left the room before anyone could raise their hands.

"Pretty much on the last word they were headed for the doors," she said.

Earlier this month, teachers requested being exempt from reading the statement, and administrators agreed to take over the duties.

When Supt. Richard Nilsen and asst. Supt. Michael Baksa showed up to read the statement, teachers Jennifer Miller

and Bob Linker left the room. About a dozen students, who had signed permission slips from their parents also allowing them to be excused, also left.

After Miller returned to the classroom, she said some students were a little confused and frustrated.

"Students did voice their frustration that they couldn't ask more questions about intelligent design," Miller said.

"A couple of them asked why (the board and administration) still felt the need to read something that their parents could have read to them," she said.

Jessica Arruda, another student taking biology, said she thought that if school board members were so concerned that students learn about intelligent design, than students should have been able to talk about it and ask questions.

"I feel that, if they are for something, then there should have been discussion allowed," Arruda said. "I was wondering why we weren't allowed to ask questions?"

Bertha Spahr, head of the high school's science department, said, "Overall, things went rather smoothly today. After tomorrow, I'm hoping this controversy goes away for at least a little while."

"It's been a long semester," she said. "I just want to get back to doing what we are really paid to do, and that is to give our students the best education in accordance with state standards."

The next pre-trial conference in the federal lawsuit, filed against the district last month by 11 district parents, is not scheduled until August. The trial date is set for Sept. 26.

The statement is to be read again today during the second, third and fourth periods of biology teacher Leslie Prall's biology class. After that, it's not scheduled to come up again until late May or early June.

Educational value

In response to the reading, the Thomas More Law Center, which is representing the district in its lawsuit, issued a news release saying "A revolution in evolution is underway."

Richard Thompson, president of the conservative law firm, which touts itself as a defender of the "religious freedom of Christians," said Dover Area students are now receiving the most balanced science education regarding evolution in the country.

But both the Discovery Institute, a leading proponent of intelligent design, and Ken Miller, who wrote the textbook "Biology" used in Dover Area's biology classrooms, said the statement does little to teach students about anything.

"The statement is so strangely worded," Miller said. "It shows little or no educational or scientific purpose."

Even though he is on the opposite side of the fence from Miller on the issue of intelligent design, John West, a Discovery Institute spokesman, agreed.

"Some of the language isn't particularly helpful," said West, an associate director of the institute's Center for Science and Culture. "As a statement about intelligent design, it leaves it hanging.

"It's fairly innocuous, but it doesn't say much," he said.

The statement says: "Because Darwin's Theory is a theory, it continues to be tested as new evidence is discovered."

Miller called the assertion "problematical" because it singles out evolution, even though all scientific theories are subjected on ongoing scrutiny.

He said it sends the message to students that evolution is "an unreliable and shaky part of science ... which is misleading and inaccurate."

In addition, the statement says that "intelligent design is an explanation of the origin of life that differs from Darwin's view."

But Miller said Darwin spoke little of the "origin's of life." Rather, his research was on the "origin of species."

While West said Discovery opposes the teaching of intelligent design in public schools, he said if Dover wants to get the concept into the curriculum, then it should be fully discussed as opposed to merely mentioned.

"This is not a particularly coherent way of going about it,"

he said. "It is confusing."

West said the whole issue raises the question, "Why is the district falling on its sword for something that is so inconsequential?"

Reach Lauri Lebo at 771-2092 or llebo@ydr.com.

THE STATEMENT

Dover Area School District administrators read the following statement to ninth-grade students Tuesday as part of the biology curriculum, and are scheduled to read it again today:

"The Pennsylvania Academic Standards require students to learn about Darwin's Theory of Evolution and eventually to take a standardized test of which evolution is a part.

"Because Darwin's Theory is a theory, it continues to be tested as new evidence is discovered. The Theory is not a fact. Gaps in the Theory exist for which there is no evidence. A theory is defined as a well-tested explanation that unifies a broad range of observations.

"Intelligent Design is an explanation of the origin of life that differs from Darwin's view. The reference book, *Of Pandas and People*, is available for students who might be interested in gaining an understanding of what Intelligent Design actually involves.

"With respect to any theory, students are encouraged to keep an open mind. The school leaves the discussion of the Origins of Life to individual students and their families. As a Standards-driven district, class instruction focuses upon preparing students to achieve proficiency on Standards-based assessments."

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THE CURRICULUM

Dover Area School District's Web site says ninth-grade biology students will spend 19 days studying natural selection, the mechanism of evolution and the origins of biodiversity. According to the instruction guide:

- Students will be able to list evidences used to support

Darwin's theory of the Origins of Species.

- Students will be able to make a timeline that demonstrates evolutionary changes during the history of Earth.
- Students will be able to define natural selection and artificial selection and demonstrate the process.
- Students will be able to describe how speciation takes place, using Darwin's finches as an example.
- Students will be able to list how species change due to reproductive isolation.

The entire ninth-grade biology curriculum can be found at <http://www.dover.k12.pa.us>. Click "Curriculum," then "Science," then "Science Curriculum," then "Biology."

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THE YORK DISPATCH

VOLUME 130, EDITION 13

YORK, PA., WEDNESDAY, JANUARY 19, 2005

50 CENTS

Parents sue to expand teachings

Claim evolution problems are censored

By CHRISTINA KAUFFMAN

The York Dispatch

Six Dover Area schools dis-

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last month, stating that the

evolution theory is not a

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Biology class makes U.S. history

Students finally hear design statement

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FROM PAGE ONE

History of evolution dispute

Board struggles, resignations mark Dover's decision

by CHRISTINA KAPLAN

The district's new intelligent design curriculum is the subject of a bitter fight in Dover, Pa., that has led to the resignation of the school board and the firing of the superintendent.

In Nov. 10, 2005, the Dover Area School Board voted to replace the science curriculum with a new one that included intelligent design.

BIOLOGY

Class makes history

History of evolution dispute

When the district's new intelligent design curriculum is the subject of a bitter fight in Dover, Pa., that has led to the resignation of the school board and the firing of the superintendent.

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PARENTS

Claim censorship

Continued from page A1

Some parents of Dover Area School District students claim that the new curriculum is a form of censorship.

The parents argue that the curriculum is biased and not scientific.

They claim that the curriculum is a violation of the First Amendment.

The parents are seeking a court order to stop the school board from implementing the curriculum.

The school board has refused the parents' demands.

The case is currently in court.

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Kristen Furl, a freshman at Dover Area High School, talks with a reporter outside the school.

She says she is a member of the school's Intelligent Design Club.

The club is a group of students who are interested in intelligent design.

The club meets regularly and discusses intelligent design.

The club is a part of the school's curriculum.

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Students at Dover Area High School.

The students are standing in front of the school building.

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P 00428

THE YORK DISPATCH, THURSDAY, JANUARY 20, 2005

In an upbeat report to the community, George W. Waldner, president of York College, reflecting the feelings of faculty and staff, declared of his students ...

"With very few exceptions, they have solid values, clear goals, obvious talent and a strong desire to be successful in life."

Students hail from a widening geographic area ... York County, of course, but many other communities in Pennsylvania, plus Maryland, New Jersey, New York, Connecticut, Virginia and Delaware.

Locally, Red Lion tops the roster of students entering York College. Susquehanna is next, followed by Dallastown, Central and Eastern.

"... Statistics tell a story of very positive change," Waldner notes. "Two-thirds of our entering freshmen

this year graduated in the two top quintiles of their high school classes. Ninety-eight percent had 'A' or 'B' averages ... and their average combined SAT was 1095 ..."

Interestingly, Waldner points out that "the bulk of our students prefer to label themselves politically and socially moderate, rather than liberal or conservative. When I think of the 'typical' York College alumnus or student in terms of lifestyle values, the words 'middle-of-the-road' come to mind. That has not changed over the years."



HANK
MERGES

In these days of debate about religion, the First Freedom Center finds ...

■ 83 percent of those surveyed reject the idea of an "official religion" for the nation.

■ 84 percent say religious liberty is more important or as important today as it was at the country's birth.

■ 59 percent feel it is important to understand the religious beliefs of others.

000787

THE YORK DISPATCH, THURSDAY, JANUARY 20, 2005

Dover debate expands to other faiths

Buddhist, biologist will speak about religion's place in science

By CARYN TAMBER
The York Dispatch

To Andy Hoover, the debate over the teaching of evolution in Dover has been wrongly dominated by those of one religion.

The Dover school board voted last October to mandate the reading of a statement making ninth-grade biology students aware of "gaps" in Darwin's theory of evolution and referring the students to a book on intelligent design. Intelligent design holds that the world is so complex that it must have been designed by some kind of intelligent force.

Hoover is the community education organizer at the Harrisburg office of the American Civil Liberties Union, which joined 11 Dover parents in filing a federal lawsuit against the board and the district.

Beyond Christianity: "We've heard a lot of Christian perspectives on this topic, and it seems worthy to take the time to find the perspec-



Dover's debate

tive from at least one of the other world religions and how it affects American education," Hoover said.

Next week, a representative from a very different faith tradition will discuss his thoughts on the Dover controversy.

Sensei Anthony Stultz, spiritual director of the Harrisburg-based Buddhist group Blue Mountain Lotus Society, will join a Shippensburg University biologist and one of the attorneys representing the

ACLU in a discussion on religion's place in science classes.

Buddhist beliefs: "In Buddhism, we don't have a specific mythology about creation," said Stultz, who

has a master's degree in physics and religion. "In fact, Buddhists, we don't have any kind of teaching about a creator."

"Our assumption is that the universe has always existed in one form or another," he said. "When it comes to asking questions about the origin of the universe, we rely on scientific inquiry most of the time."

Stultz said he does not see how intelligent design has

any science to back it up.

Next week's event is sponsored by the Central Pennsylvania Coalition for the Defense of Civil Liberties, whose member groups include the ACLU, the Council on American-Islamic Relations, Andrew Young National Center for Social Change and Harrisburg's Institute for Cultural Partnerships.

— Reach Caryn Tamber at 854-1575 or clamber@yorkdispatch.com.

Discussion at Dickinson

The Central Pennsylvania Coalition for the Defense of Civil Liberties will sponsor "The Dover Dilemma: A Conversation on Religion in the Science Classroom," at 7 p.m. Tuesday. The event will be held at the Dickinson School of Law, Room 144, College and South streets in Carlisle. The public is invited and admission is free.

000788

THE YORK DISPATCH, WEDNESDAY, JANUARY 26, 2005

Science and religion: Time for a bridge?

Panelists tackle Dover biology debate

By CHRISTINA KAUFFMAN
The York Dispatch

Sensei Anthony Stultz, quoting the Dalai Lama, said trying to define the creator of the universe creates more problems than answers.

The issue of religion and public schools has stirred controversy from the Dover Area School District to Cobb County, Ga.

The arguments don't serve a purpose but to polarize the community: those who believe in



Dover's
debate

evolution and are characterized by their opponents as "God-hating, atheistic, amoral" people against those who believe and are "moral" and "good," he said.

There is a middle ground, he said. People can believe in God and in evolution. But those who push the issues have their own agendas, and they want to fuel the division.

It's time for discussion — open, honest discussion — between the two parties, he said.

About 15 people attended the forum last night at the Dickinson School of Law in Carlisle to talk about the legal battle that the Dover Area School District is embroiled in.

While two science teachers from Dover Area High School turned out, no other identified Dover resident engaged in the dialogue.

Forum in Carlisle: "The Dover Dilemma: A Conversation on Re-

■ Poll probes local views.

Page A6

ligion in the Science Classroom," was sponsored by the Central Pennsylvania Coalition for the Defense of Civil Liberties.

Stultz, the head teacher of Harrisburg's Blue Mountain Lotus Society, a Buddhist society, was one of five speakers on the panel.

Thomas Schmidt, an attorney with Pepper Hamilton, a law firm that volunteered to take the case of 11 parents who are suing the school district and its board, also attended.

Schmidt refused to talk specifically about the Dover case, citing a conflict of interest.

But, he did explain the First Amendment's "establishment" clause, which bars government entities — such as a public school district — from establishing a religion.

Last Oct. 15, the school board voted to include a statement about the theory of intelligent design in its biology curriculum. Intelligent design attributes the origins of life to an intelligent creator.

Some said the move violated the First Amendment of the Constitution and opened the door for religion to be taught in public schools.

Overview from teachers: Science teachers Rob Eshbach and Jenn Miller gave

the audience a brief overview of the curriculum change, on which discussion began about 18 months ago, they said.

Last week, school administrators went to biology classes and read the statement, which says there are gaps in the theory of evolution and that there are alternative theories, such as intelligent design.

Miller, like other science teachers, stood in the hallway with students who didn't want to hear the statement.

The teachers said their science department colleagues opted out of reading the statement because a state ethics clause says they should not teach something in the classroom if they don't believe it is true.

000801

The teachers don't believe intelligent design is a viable scientific theory, they said.

They refused to share their personal views about intelligent design.

"That would not be professional at this time," Eshbach said. "Our personal views don't enter the classroom."

Shippensburg biology prof: Pablo Delis, a biology professor from Shippensburg University, said evolution is "basically understood as a fact" in the scientific community."

He held up a recent National Geographic magazine. The cover asked "Was Darwin wrong?"

"A teaser," Delis said, opening the magazine to the story about evolution and scientist Charles Darwin, who developed the theory of evolution.

"No," the magazine title said. "The evidence for evolution is overwhelming."

The theory of intelligent design represents "a lack of

understanding or lack of knowledge at the microscopic level," Delis said. Many questions brought forth by intelligent design proponents were "thoroughly resolved at the beginning of the 19th century."

Delis said that, for more than 145 years, scientists have been trying to make a name for themselves by "knocking down Darwin," but no one has been able.

"This controversy is a great opportunity to teach what science is and what science is not," Delis said. "I cannot tell you, through science ... if your stand on any issue is good or bad. I cannot tell you if you have a soul, or even if I have a soul."

Raised a Catholic in Spain, Delis said he wears his "science hat" when he's being a scientist. He leaves

behind his opinion as a human being.

Many tensions: Edward Davis of Dillsburg, a Messiah College professor of the history of science, said tensions exist between the scientific community and many areas of life and human culture.

Dickinson College religion major Jackie Wagaman, 20, was one of few students who attended the forum.

A Manchester Township native, the West York Area High School graduate said she thinks the Dover situation is "just absurd."

"I'm not comfortable with the term 'intelligent design,'" she said. "I don't really think it holds a lot of water. It's like taking the easy way out of calling it creationism."

-- Reach Christina Kauffman at 505-5434 or chauffman@yorkdispatch.com.



SARAH CROSS — The York Dispatch

Edward Davis of Dillsburg, a professor of history and science at Messiah College, discusses his views on science and religion at last night's meeting in Carlisle about the Dover School Board intelligent design issue.

000802

THE YORK DISPATCH, WEDNESDAY, JANUARY 26, 2005

Firm polls Dover residents about 'design'

Results of 400 questioned expected tomorrow

By CHRISTINA KAUFFMAN
The York Dispatch

Few Dover residents turned out to offer opinions at a forum held last night to talk about religion and science, but a Harrisburg-based research firm is conducting a telephone poll to ask residents how they feel about the intelligent design debate.

Jim Lee, president and founder of Susquehanna Polling and Research, said a poll of 400 random, registered voters in Dover Area School District was completed last night.

He said results of the poll and the exact questions will not be available until a 1 p.m. press conference tomorrow at the capital rotunda in Harrisburg.

But, he said, the poll consisted of questions like:

■ Generally, do you approve or disapprove of action the school board has taken?

■ What is your perception of what intelligent design means? Is it a legitimate scientific theory or religious theory synonymous with creationism?

■ Why do you support or not support the action the board took?

■ How important is the school board's decision to who you will vote for in the upcoming election?

■ Do you think the school board is doing a good job overall?

■ Is the school district going in the right direction?

■ What is the most important problem facing the school district?

"Testing the temperature, so to speak, of the electorate with some big picture-type questions," Lee said.

Poll results

The public is invited to hear the results of a telephone poll of random registered voters in Dover Area School District at 1 p.m. tomorrow at the capital rotunda in Harrisburg.

For more information about Susquehanna Polling and Research, visit www.susquehannapolling.com.

He said he is interested to see how the school board's decision will impact the school board elections.

Lee said that no one commissioned the two-day poll; his company will fund the research.

"When there is an event or something very newsworthy, we like to once in a while conduct a survey just to get information out there to the public," he said. "It's an interesting topic and we thought it met the test for doing it internally."

"The ramifications of what the school board did will have a ripple effect across the state and the nation," he said. "People's perception has as much to do as what the experts are saying." He said the company purchases a sample of registered voters in the school district and calls them at random.

The demographics of respondents mirror the demographics of school district, with the same percentage of senior citizens and Democrats and Republicans, and is consistent with voter turnout numbers in Dover Area School District, he said.

Copies of the Dover poll will be handed out at tomorrow's press conference, Lee said.

The margin of error for the

survey is about 4.5 percent, he said. Susquehanna Polling and Research is a 4-year-old company that primarily does polling for Republican candidates for public office.

"We're a political polling firm, so we need to pick one side or the other in order to be reputable," he said.

But the company also works with trade groups, lobbying firms, corporations and organizations.

Its client list includes groups from the conservative, such as the National Federation of Independent Business, to the liberal, such as the Human Rights Campaign, which lobbies for gay and lesbian rights, Lee said.

He refused to comment on his opinion of intelligent design.

Reach Christina Kauffman at 505-5434 or ckauffman@yorkdispatch.com.

000802



Dow Jones & Reuters

Local/State

'Dover Dilemma' speakers favor science

MATT MILLER

Of Our Carlisle Bureau

503 words

26 January 2005

Patriot-News

CARLISLE

BC1

English

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The debate over **intelligent design** is fomenting a fuss in Dover Area School District, the media and the courts, but it didn't draw a crowd at The Dickinson School of Law last night.

About 20 people attended a free program by the Central Pennsylvania Coalition for the Defense of Civil Liberties on "The Dover Dilemma," the legal battle over the bid by the school board in that York County district to require that biology students be made aware of the concept of **intelligent design** as an alternative to the theory of evolution.

The fight over **intelligent design** -- which poses that life is so complex that a supremely intelligent being must have created it -- has taken the district and dissenting parents into federal court.

An attorney, two Dover biology teachers, a leader of midstate Buddhists and a Shippensburg University biology professor who participated in last night's program in a law school classroom all took similar positions; none advocated the Dover board's action.

The professor, Pablo Delis, called the Dover controversy "a great opportunity to teach what science is and what science is not."

Evolution is provable, he said, as humans have shown through the breeding of animals and cultivation of favored strains of plants. **Intelligent design** proponents exhibit "a basic misunderstanding of what science is and how science operates," Delis said.

Science, he said, is a means of exploring and understanding the natural world, not a vehicle to prove or debunk religion.

"We cannot answer questions about spirituality, questions about the soul, questions about God with science," he said.

Anthony Stultz, spiritual director of the Blue Mountain Lotus Society, a former fundamentalist Christian and a believer in evolution, said Buddhists don't even address the issue of a creator. Nor, he said, are they averse to changing their beliefs if science proves them wrong.

Stultz agreed with Delis that **intelligent design** isn't science, but an attempt by advocates of "theism" -- the belief in a God who intervenes in human affairs -- to buttress their waning influence in society.

Dover teachers Jen Miller and Rob Eschbach said they don't delve into creation issues anyway.

"It has never been our practice to teach the origin of life," Eschbach said. "Our main concern is how species evolve over time. ... We're not really concerned about how we got here."

Thomas Schmidt, whose law firm, Pepper Hamilton, represents the 11 Dover parents who are suing the district, said their fight and others across the country, mark the latest rounds in a decades-long battle over efforts by religious interests to breach the constitutional separation of church and state.

Intelligent design, he said, is merely the "next wave" in the assault, a follow-up to attempts to teach creationism in public schools.

"That will be part of the struggle in the Dover case: Is it religion, or is it science?" Schmidt said. MATT MILLER; 249-2006 or mmiller@patriot-news.com

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86 of 179 DOCUMENTS

Copyright 2005
The York Dispatch (York, PA)

January 28, 2005 Friday

SECTION: <B

LENGTH: 197 words

HEADLINE: Tax reform takes priority

BODY:

Fifty percent of readers responding to The York Dispatch Web poll on President Bush's agenda for the second term felt reform of the nation's tax code should be his top priority.

More than 12 percent said Bush's other key initiatives should be to keep the military up to date and ready to respond to terrorist threats around the world.

Twelve percent also said the president should move with the Congress to solve problems facing the Social Security system, develop programs to stem the loss of jobs and get a handle on the deficit.

This week's question:

The Dover Area School Board controversy over the inclusion of **intelligent design** in high school biology classes has brought sharp criticism from those opposed to introducing religion in public schools and support for the board from religious groups.

Should the school board:

--- Rescind its decision to include **intelligent design** concepts in public school classes?

--- Continue to battle a federal lawsuit brought by parents and the ACLU to halt the inclusion in the biology curriculum.

Poll results will be reported weekly and a new poll question asked. To vote, go to www.yorkdispatch.com and follow the prompts.

LOAD-DATE: March 26, 2005



Dow Jones & Reuters

Sports

DISTRICT 3 GIRLS' BASKETBALL RANKINGS

CHRIS KORMAN

Of the Patriot-News

226 words

28 January 2005

Patriot-News

FINAL

T12

English

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NOTES: Dear District 3-AAA girls' basketball teams:

This is our second letter. Apparently the first one -- in which we asked politely for one of you to step to the front of the pack -- didn't reach you.

So now, as Feb. 15 and the start of the district playoffs loom, we thought we'd check in again.

Here's our dilemma. We rank a team like Susquehannock -- which we know to be a talented, well-coached squad -- and it goes and loses to 7-14 Dover.

Sure, there's some wacky stuff happening down in Dover, but last we checked, **intelligent design** had nothing to do with playing hoops.

Now check out Palmyra. Both losses are to that ludicrous Lower Dauphin team, but some of the wins haven't been all that convincing. Take, for example, the 33-28 win over Mechanicsburg. That same Mechanicsburg team then went and lost to an 8-10 Hershey team.

Of course, the picture is clearing up in Class AAA, because Monica Dean is back for McDovitt and should be back to herself when the games start to matter.

Still, one thing is clear: if there were ever a year for an open tournament, this is it. And open is certainly the right word for 3-AAA.

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Dow Jones & Reuters

Local/State

Poll finds 'design' decision support ; But Dover voters dislike controversy

From staff reports

592 words

28 January 2005

Patriot-News

FINAL

B01

English

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Registered voters in Dover Area School District support their school board's decision to inform students of rival theories of evolution by a margin of 54 percent to 36 percent, according to a new survey by Susquehanna Polling Research.

But those same residents just as clearly are upset by the national controversy the school board's decision has engendered.

Only 36 percent said the district, in general, is doing a good job.

Forty-four percent of residents believe the district is trending downward.

The board voted in October to require ninth-grade biology and science teachers to read a one-minute statement in class outlining alternate theories, including **intelligent design**, to Charles Darwin's theory of evolution. Dover became the first school district in the nation to take that step.

Intelligent design argues that there is scientific evidence the human race was "designed," by a guiding force.

"There is support for the board, but there is considerable consternation about whether they should have prioritized this issue and made it so high profile," said James Lee, president of Susquehanna Polling Research, which conducted the survey.

Lee added that residents don't like their new national notoriety and fear expensive lawsuits may result in higher taxes.

The Pennsylvania chapter of the American Civil Liberties Union is representing parents opposed to the policy in a lawsuit.

Earlier this month, administrators in the Dover district read a statement to three biology classes yesterday describing **intelligent design**.

The national controversy that the board's decision initiated dwarfs all other issues in the district, with 32 percent citing it as their top issue in the poll.

Educational improvement finished second at 15 percent, while concern about taxes registered 11 percent.

Because the questions were tailored to elicit reactions to the school board's actions, no comparable national or statewide polling data were available, Lee said.

Nick Matzke, spokesman for the National Center for Science Research, which defends and promotes the theory of evolution, said the reaction was "what you typically see in national polls when this question is asked."

"The default reaction of people is that it is only fair to teach both sides, so you see polls like these," he said.

But Matzke added, "Science is not democratic. In science, questions are decided by the experts, based on the evidence, and that is not going to change, based on what a poll number says."

Evolution, Matzke said, "is science and that is why it is in the curriculum standards of the state of Pennsylvania."

Several groups advocating the teaching of alternative theories to evolution did not respond to requests for comment yesterday.

Two of the nation's most active **intelligent design** advocacy groups -- the Seattle-based Discovery Group and California-based author Phillip Johnson -- have urged the Dover school board to amend its policy to allow that **intelligent design** be taught.

But they have urged it not to risk a legal defeat by mandating its inclusion in the curriculum.

The poll asked 425 school district residents questions about the controversy on Jan. 24-25. Its error margin is plus or minus 4.7 percent.

But even as 54 percent supported the school board's actions, 58 percent said "**intelligent design**" is a religious theory, not science, the poll reported.

Only 29 percent of respondents said it was a legitimate scientific theory.

"Critics of that theory have clearly done a better job of making their case than supporters of **intelligent design**," Lee said.

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Poll: ID matters to Dover voters
 A survey found intelligent design would influence a majority of voters.
 By LAURILEBO
 Daily Record/Sunday News
 Friday, January 28, 2005

ABOUT THE SERIES
 In October, the Dover Area School Board voted to require high school biology teachers to teach alternatives to the theory of evolution, including intelligent design.
What is intelligent design?: Intelligent design holds that all living organisms are so complex, that they must have been created by an unspecified divine being.
The reason: Board members who support the change say students should learn about alternative theories to evolution.
The other side: Critics argue "intelligent design" is merely an attempt to get creationism and religion into the classroom.

At bottom: POLL INFORMATION

No matter what they think of it, voters in the Dover Area School District will be casting their ballots in May over the issue of intelligent design, according to the results of a poll announced Thursday.

In a random survey, 89 percent of likely voters said the issue was either very or somewhat important in terms of influencing their votes, and 95 percent of those polled said they were familiar with the issue.

The telephone poll, conducted this week by Susquehanna Polling & Research, surveyed 425 registered voters out of the district's community of more than 22,000.

When asked how they felt about the board's October decision to add the phrase "intelligent design" into the science curriculum, 54 percent of voters (with an margin of error of plus or minus 4.7 percentage points) said they support it. Thirty-six percent of those surveyed said they oppose the decision, and 10 percent said they're undecided.

But when asked if they think the district is headed in the right direction, 44 percent said they think it's on the wrong track.

James Lee, Susquehanna Polling president, said the difference between those who support the board's decision and those who think the district is on the wrong track could indicate a fear that a federal lawsuit filed over the issue by 11 parents could be damaging to the district.

When asked what is the "single most important problem" facing the district, almost a third cited the controversy over intelligent design. Fifteen percent said better/quality of education and 11 percent said taxes.

Lee said typically almost 40 percent of voters cite taxes as the primary issue.

For those considering running for office, the results could prove interesting.

Jeff Brown, who quit the school board after the Oct. 18 6-3 curriculum vote, is running again for election.

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He said he wasn't surprised to hear that most polled voters support the board's decision.

"If anything, I expected more support," he said.

"A lot of people don't understand science. I didn't understand science until I had to take a crash course on this."

But he said he believes ultimately, "it's going to play out as a pocketbook issue.

"And watch that soft support go racing in my direction once I point out the cost to the district."

The Thomas More Law Center is representing the district for free. But if the district should lose its battle in federal court, it could be held liable for the plaintiffs' legal fees.

The American Civil Liberties Union, Americans United for Separation of Church and State and the Philadelphia-based law firm of Pepper Hamilton is representing the parents for free but would likely try to recoup its expenses.

Bryan Rehm, the only other announced candidate and one of the plaintiffs in the lawsuit, could not be reached for comment Thursday night.

Dover board members Sheila Harkins, Alan Bonsell and Angie Yingling are all up for re-election. They have not yet announced whether they will run and could not be reached for comment.

Both Ronald Short and Pastor Ed Rowand, who were appointed to the board to fill vacancies in December, declined comment.

Sherrie Leber and Eric Riddle, also appointed recently, could not be reached for comment.

Intelligent design is the concept that life is too complex to have evolved solely through natural selection and therefore must have been created by an intelligent designer.

Its opponents, including the 11 parents suing the district over the requirement that biology students must be told about it, say it's a way of inserting religion into science class.

Its supporters say it's merely about presenting an alternative view to Darwin's theory of evolution, which is the mainstream scientific community's broadly accepted view of man's origins.

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POLL INFORMATION

James Lee, president of Susquehanna Polling & Research, said that, for the past couple years, the Harrisburg-based firm has picked a newsworthy topic and independently surveyed voters on where they stood on the issue.

This week, the firm polled registered voters in the Dover Area School District on how they feel about the controversy over intelligent design.

Lee said the 4-year-old firm, which boasts of a substantial client list of state and county Republican organizations, commissioned the poll itself and was not hired by any other organization.

In 2002, it conducted a similar independent survey on the outcome of the Democratic primary in the gubernatorial race.

Even though the Dover poll was random, Lee said those surveyed mirrored party registration in the district.

Fifty-three percent of those surveyed were registered Republican, and 34 percent were Democrats.

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Dover Biology >>

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• **Students miss ID idea**

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Copyright 2005
The York Dispatch (York, PA)

January 31, 2005 Monday

SECTION: TOP STORIES

LENGTH: 151 words

HEADLINE: Majority supports decision

BYLINE: CHRISTINA KAUFFMAN *The York Dispatch*

BODY:

A poll released by a Harrisburg-based research and polling firm shows that a majority of voters support the Dover Area School Board in its decision to require that a controversial statement be read in biology classes.

Jim Lee, founder and president of Susquehanna Polling and Research, said the results also show that the **intelligent design** debate will be the major issue affecting the May 17 school board primary elections.

According to a phone survey of 425 registered voters, 54 percent of those surveyed said they support the board's decision, while 36 percent do not support the board's decision. Ten percent said they were undecided or the decision didn't matter to them.

Though a higher percentage of people -- 46 percent -- said they were more likely to vote for a school board candidate who voted in favor of requiring that the statement be read, Lee said the data show that people who

LOAD-DATE: March 26, 2005

At least two running: Bon-sell and Harkins have stated that they intend to seek re-election for their four-year seats on the board.

There are four possible candidates who were appointed to the board by other members, to serve out terms left by people who resigned.

Jeff and Casey Brown resigned because they were not in favor of intelligent design.

Noel Wenrich and Jane Cleaver resigned for other reasons.

Appointees Sherrie Leber, Ron Short and Edward Rowand have said they are interested in running, but they are unsure if they would run for a two- or four-year seat.

Appointee Eric Riddle has said he is just filling in this year and has no current plans to run.

Buckingham, the major proponent of intelligent design, and Geesey are not up for re-election until 2007.

Yingling has said she planned to resign from the board, but it has not been made formal. Although she voted for the curriculum change, she had a change of heart and later spoke out against the board's action.

Other results: Other findings of the poll, which has a 4.7 percent margin of error, include:

■ Fifty-eight percent of those polled said they believe intelligent design is a religious theory synonymous with creationism, a doctrine that God created the universe. Twenty-nine percent said they believe intelligent design is a legitimate scientific theory.

■ Sixty-five percent of respondents support the school board because they think that other theories should be taught in addition to Charles Darwin's theory of evolution. Nineteen percent said they support the decision because of "the need to bring religion, God or creationism into public schools."

■ A majority of the respondents, 53 percent, were Republicans. Thirty-four percent were Democrats and 10 percent were Independent. Three percent refused to answer.

■ Forty percent of respondents were age 45-59. Thirty-one percent were older than 60. Twenty-three percent said they were 30-44. Six percent were 18-29.

— Reach Christina Kauffman at 505-5434 or chaufman@yorkdispatch.com.

Ga. bill targets evolution teaching

Requires only 'scientific facts' be in classrooms

By DOUG GROSS

The Associated Press

ATLANTA — A state lawmaker introduced legislation designed to prevent the theory of evolution from being taught in Georgia's classrooms.

The bill by Republican Rep. Ben Bridges requires only "scientific fact" be taught in public schools — in his mind ruling out the theory of evolution.

"It's in the book that it's a theory, but these teachers teach it like it's a fact," he said yesterday. "Let's teach them the truth or don't teach them anything."

The bill appears to face long odds. Democrats in the Legislature blasted the proposal — particularly the measure's use of the word "theory" to suggest evolution is an unproven assumption.

"You mean, like the theory of gravity?" quipped Democratic Rep. Thru Bordeaux.

In November, a suburban Atlanta school district was put on trial for placing a disclaimer on science books calling evolution "a theory, not a fact." Judge Clarence Cooper ruled this month the disclaimers must be removed because they tacitly endorse the religious belief of creationism, even though it's not specifically mentioned. The Cobb County school board is appealing.

A year ago, Georgia's schools superintendent caused an uproar when she proposed to replace the word "evolution" with "changes over time" in the state's science curriculum. The proposal was quickly dropped amid widespread criticism.

Lawmakers in Kansas also are wrestling with how to teach evolution.

There, efforts to expose students to stronger criticisms of evolution were rebuffed by a committee rewriting science education standards — setting up a potential confrontation with the conservative-minded State Board of Education.

The committee, appointed by the state board, is revising Kansas' standards for science education, which currently describe evolution as a key concept students should learn.

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The York Dispatch (York, PA)

February 1, 2005 Tuesday

SECTION: LOCAL NEWS

LENGTH: 474 words

HEADLINE: Dover board tapes at issue

BYLINE: HEIDI BERNHARD-BUBB

BODY:

For The York Dispatch Although the Dover Area School board is on solid legal footing in its decision to keep audio recordings of meetings from the public, three former board members say the board is violating its own past practice.

Former board member Casey Brown recently said that in the summer of 2002, the board had a discussion about how long audio recordings should be kept after meetings, with the board deciding the tapes should be kept for six months and would be available to the public during that time.

Last November, the board denied the requests of several residents who asked to hear the tapes of the Oct. 18 meeting during which the board approved the addition of **intelligent design** to the high school biology curriculum.

Residents cried foul, but audio recordings of public meetings are not considered public records and do not have to be disclosed to the public under the Right to Know Law, said Teri Henning, legal counsel for the Pennsylvania Newspaper Association.

Differing recollections: At the time, former board president Alan Bonsell said the tapes are destroyed after the minutes are prepared, and the board has never given them to the public during his three years on the board.

However, Brown, along with former board members Jeff Brown and Barrie Callahan dispute that claim, saying that the board's past practice was to keep the recordings for six months before destroying them, even after the minutes were prepared.

Bonsell and board president Sheila Harkins could not be reached for comment yesterday. Casey Brown, who quit the board along with husband Jeff Brown on Oct. 18 in response to the **intelligent design** dispute, said she had no recollection of the board's ever discussing a change in the length of time audio recordings were to be kept during her board tenure.

Superintendent Richard Nilsen said he also remembered the initial conversation taking place, but did not remember details about how long the tapes were to be kept.

Board secretary Denise Russell, who raised the issue in 2002 because she was running out of storage space for the tapes, was unavailable for comment because of illness.

Minutes of the board's meetings from April to October 2002 contain no record of a vote being taken on a policy regarding the audio recordings; however, the minutes reflect only official action taken and contain no record of board discussions.

Although the board has the right to keep the tapes private, some residents have said the tapes could have shed light on disputed statements made by several board members in June 2004. Some of those statements are now being called

The York Dispatch (York, PA) February 1, 2005 Tuesday

into question in the ACFL lawsuit in federal court against the district over the inclusion of intelligent design in biology classes.

— Reach Heidi Bernhard-Bubb at 854-1575 or news@yorkdispatch.com.

LOAD-DATE: March 26, 2005

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Copyright 2005
The York Dispatch (York, PA)

February 1, 2005 Tuesday

SECTION: TOP STORIES

LENGTH: 667 words

HEADLINE: Dover board challenges bio lawsuit

BYLINE: HEIDI BERNHARD-BUBB *For The York Dispatch*

BODY:

Attorneys defending the Dover Area School District want to dismiss five of the 11 plaintiffs and two of the claims in the lawsuit against the district over the inclusion of **intelligent design** in the district's biology curriculum.

The motion, filed in federal court in Harrisburg on Friday, alleges the five plaintiffs lack standing because their children will not be directly affected by the ninth-grade curriculum.

In addition, the motion states the plaintiffs' claims of a "coercive religious practice" and improper use of public money should be dismissed because they lack facts to support the claims.

The lawsuit, filed last month by attorneys from the American Civil Liberties Union, Americans United for Separation of Church and State, and Pepper Hamilton on behalf of 11 Dover parents, said reading a statement about the gaps in the theory of evolution and referring to an alternative theory that attributes the origins of life to an "intelligent agent" violates their children's civil rights.

Cite children's ages: The motion asks that plaintiffs Beth Eveland and Cynthia Sneath be dismissed because their children are too young; both have children in first grade and pre-school age children.

Richard Thompson, chief counsel of the Thomas More Law Center, which is defending the district, said no one knows if the policy or the children will still be in the district by the time they reach the ninth grade.

The motion also asks that plaintiffs Frederick and Barrie Callahan and Julie Smith be dismissed because their children are in 10th grade and will not be taught the controversial curriculum.

Lawyers argue there is no evidence of a "coercive religious practice" because students can opt out of hearing the statement; it also said there was no evidence that defending the district would cost it money.

The school district is being represented by Thomas More free of charge, although it could have to pay plaintiffs' attorney fees if it loses the case.

News release, poll: Thompson said the motion seeks to focus the case on those who have a legitimate personal interest in the case, such as Tammy Kitzmiller, who currently has a child in the ninth grade, or several others who have children in eighth grade.

A news release put out by the law center accused the ACLU of piling on plaintiffs "to give the impression that more people support their position than actually do."

It referred to a recent poll of 425 registered Dover voters conducted by the Harrisburg-based Susquehanna Polling and Research firm, which showed that 54 percent support the board's decision, while 36 percent do not and 10 percent are undecided or don't care.

The York Dispatch (York, PA) February 1, 2005 Tuesday

ACLU attorney Witold Walczak said the plaintiffs will certainly oppose the motion, which he called "a complete waste of time" and a public relations move to try to influence public opinion.

Numbers irrelevant? "You only need one person to challenge the curriculum ... it's irrelevant to the outcome of the case and the focus should be on the Constitutional issues involved," Walczak said.

He also said the plaintiffs don't yet need to present evidence of a "coercive religious practice" or improper use of public monies.

Furthermore, Walczak said, the controversial statement is part of the district's school-wide curriculum and that when the school board violates the Constitution it sends a message that affects the entire student body.

Plaintiff Barrie Callahan, whose standing is being challenged, said that "when you change the definition of science it affects everyone" in the district.

She said that she believes the curriculum could hurt how college admission boards view a diploma from Dover High School, which would affect her child. And she also is worried the curriculum change could be just the beginning of a move to censor or alter other parts of the curriculum.

The plaintiffs have until Feb. 15 to answer the motion.

-- Reach Heidi Bernhard-Bubb at 854-1575 or news@yorkdispatch.com.

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The York Dispatch (York, PA)

February 1, 2005 Tuesday

SECTION: LOCAL NEWS

LENGTH: 135 words

HEADLINE: Comment policy questioned

BODY:

The Dover Area School Board's new public comment policy -- limiting public comment to agenda items only -- has come under fire for possibly violating Pennsylvania's Sunshine Law and the First Amendment to the U.S. Constitution.

A group of residents led by Beth Eveland, Cynthia Sneath and Tammy Kitzmiller, plaintiffs in the lawsuit against the district over **intelligent design**, passed out a handout at last month's board meeting that questioned the legality of the public comment policy.

Superintendent Richard Nilsen said the handout would be passed along to the district's solicitor, Stock and Leader, and a response would be given this month.

The school board's next meeting, where the policy may be discussed, will be at 7 p.m. Feb. 7 at North Salem Elementary School.

Heidi Bernhard-Bubb

LOAD-DATE: March 26, 2005



Dow Jones & Reuters

Lebanon Patriot-News

IN YOUR SCHOOL

IN YOUR SCHOOL

Compiled by Diana Stricker, Barbara Miller and Monica von Dobreneck, The Patriot-News

638 words

1 February 2005

Patriot-News

FINAL

E12

English

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ANNVILLE-CLEONA

* A midyear report was submitted to the state regarding the district's Accountability Grant programs. The \$132,564 grant is supporting four programs: reading coach at Annaville Elementary; special education teacher at the secondary school; half-time kindergarten teacher; and tutoring programs at Annaville and North Annaville elementary schools.

* Bruce I. Althouse Jr. was hired as a long-term substitute special education teacher, Feb. 14-June.

* Lebanon County EIT Bureau was authorized to conduct the 2005 census by mail at \$2,900.

* The preliminary spelling bee will be held Feb. 10 at Annaville Elementary.

* The Annaville-Cleona Parent Teacher Organization will meet at 7 p.m. Feb. 10 at North Annaville Elementary. CORNWALL-LEBANON

* Cedar Crest Middle School art club members and students in the high school's alternative education program are making Valentines for veterans at the Lebanon VA Hospital to be delivered Feb. 14.

* The Cedar Crest Middle School staff will take on eighth- graders in a basketball game at the pep rally at 1:50 p.m. Friday in the middle school gym.

* Kurt Phillips, assistant director of business affairs, was approved as a Pennsylvania Registered School Business Official by the state Association of School Business Officials after meeting personal, ethical and professional standards. He has been with the school district since 2001. LEBANON

* These seniors won the 2004-05 Lebanon Women's Club Senior Girls' Oratorical Contest: Hallie Fenton, first place, speech titled "A Chance for Life"; Alisha Ponce, second, "Are We Really Equal?"; and Katie Holler, third, "Intelligent Design."

* Cyrus G. Rauch Senior Boys' Oratorical Contest winner is Steffan Bomberger with a speech titled "Are We to Blame?"

* Senior Parents Night for boys' basketball, cheerleaders and wrestling is tonight.

* LHS Pops Concert will be held at 7:30 p.m. tomorrow.

* The school board approved the following tutors and their rate of \$23 per hour: Eneida M. Alcalde, Joyce Amici, Kathy Beck, Bradley R. Binder, Benjamin Brewer, Heather L. Bradford, Kim Brown, Marsha Brown, Sharray Coleman, Tammy Connors, Cindy Conway, Sue Danielewicz, Heather Daub, Terri Davis, Sally A. DeJesus, Brad Ditzler, Marilyn Fellin, Bryce Fisher, Gall Forbes, Marianne Gamble, Kathy Grove, Charlie Herling, Mary Hemer, Barbara Hess, Erin Hibshman, Ashley Hollinger, Linda Horstick, Vicki Hummel, Lindsey Jaeger, Beth Jordan, Dave Kaley, Sandra J. Kline, Letty Kohr, Amber Lane, Joel Madison, Michael Marks, Jim McNeal, Stephanie Palne, Wendy Peck, Rick Petrosky, Wally Popejoy, Christine Sargent, Paul Seyfert, Val Shaffer, Laurie Shay, Sue Smith, Lisa Spangler, Joan M. Swelhart, Ken Travis, Nicole Williams and Michael Wise. PALMYRA

* Maggie Blouch, daughter of Scot and Debbie Blouch and a high school senior, participated in the Presidential Youth Inaugural Conference Jan. 16-21 in Washington, D.C. She plans to study business finance at Bucknell University. At Palmyra she is vice president of the peer counseling club and a member of National Honor Society.

* A point-of-sale lunch program will go into effect Feb. 16 in the middle school cafeteria and will start at Pine Street later in the year. Pupils will have accounts to which parents can add lunch money.

* Cathryn Roberts and David Sellers are the Rotary Club students of the month for January. Roberts also was named girl of the month by Palmyra Woman's Club. She is involved in the medical careers club, while Sellers participates in Envirothon and soccer.

* "The Wizard of Oz" will be presented at 7 p.m. March 4-5 and 2 p.m. March 6 in the high school auditorium. The dates were changed from Feb. 25-27 due to a conflict with county chorus.

* Student council agreed to donate some of the proceeds from the Feb. 19 winter formal dance to tsunami relief.

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Attorneys: Cut five from lawsuit

Attorneys for Dover Area say some parents lack standing in the federal suit over intelligent design.

By LAURILEBO
Daily Record/Sunday News
Tuesday, February 1, 2005

Ask Barrie Callahan if she thinks her daughter is affected by the Dover Area School District's controversy over intelligent design, and she'll tell you there's no question.

"If they're trying to introduce their religion onto other people, where else could this go?" Callahan said.

But attorneys are requesting that Callahan along with four of the other 11 parents suing the district over the issue be dismissed from the federal lawsuit.

In court papers filed Friday, the Thomas More Law Center requested Callahan, her husband Frederick, Beth Eveland, Cynthia Sneath and Julie Smith be removed from the suit because, according to the motion, they lack standing.

"You have to show a specific injury," said Richard Thompson of Thomas More. "You can't just bring a lawsuit because you think a policy is unconstitutional."

As an example, Thompson pointed to the Pledge of Allegiance case in which the U.S. Supreme Court ruled last year that a California father did not have standing in the case because he was involved in a custody fight over his daughter and could not speak for the girl.

But even though her daughter's already taken the biology class, Barrie Callahan doesn't think that means she's not affected — especially now that she's applying to colleges.

"When you're applying to really competitive schools, and these schools think Dover's trying to try to change the definition of science ... that can impact her from that standpoint."

Parents' attorneys have until Feb. 15 to respond to the motion. Because only five of the plaintiffs could be removed from the suit, the case will continue no matter how U.S. District Court Judge John E. Jones III rules.

Eric Rothschild, an attorney with Pepper Hamilton